ORGANISING ABORIGINAL GOVERNANCE:

PATHWAYS TO SELF-DETERMINED SUCCESS IN THE NORTHERN TERRITORY, AUSTRALIA

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Aboriginal Peak Organisations of the Northern Territory (APONT)

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Our Decisions | Our Actions | Our Future

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PART 1.

THE RESEARCH AND REPORT

1.1 INTRODUCTION: BUILDING ON THE TENNANT GOVERNANCE SUMMIT

This report presents a research analysis of evidence on *organisational governance models*—both incorporated and non-incorporated forms—including several new case studies that have been produced specifically for AGMP.

The research on which this report is based has been commissioned by the Aboriginal Governance and Management Program (AGMP), established in 2013 by the Aboriginal Peak Organisations of the Northern Territory (APONT)[1] to provide Aboriginal communities, groups and organisations across the Northern Territory (NT) with ongoing support and training to build resilient and effective forms of governance and management.

The AGMP is building on the outcomes of the *Strong Aboriginal Governance Summit* (April 2013) held in Tennant Creek by APONT and attended by over 300 Aboriginal people from communities and organisations across the NT. Opening the summit, CLC Director David Ross set out a vision for Aboriginal governance in the Territory:

> *Governance is not just a matter of service delivery, or organisational compliance, or management. It is about the self-determining ability and authority of clans, nations and communities to govern: to decide what you want for your future, to implement your own initiatives, and take responsibility for your decisions and actions.*
>
> *Aboriginal Governance is about working together to build structures and processes that reflect your culture, your priorities, your world view, and your solutions to problems.*
>
> *The objective [of the Summit] is to share examples of strong Aboriginal governance, to hear about what works - what is happening that is new, innovative, promising, or productive - and identify why it works… We will draw on lessons learnt from the past. While we will consider common barriers to strong Aboriginal governance (both internal and external), we want to focus on identifying practical positive pathways to overcome those barriers and maximise our self-determination through strong governance.* (APONT 2013).

Consistent with that objective, DESmith Consulting was commissioned to carry out desktop research in the second half of 2014 to:

1. *Examine research on NT and interstate Aboriginal governance good/best practice, models and networks, published or otherwise. Itemise, summarise and briefly comment on the practice, models and networks most relevant as examples or other uses for the AGMP and the organisations it assists.*

2. *Identify, itemise, summarise and briefly comment on major potential supports for the AGMP and the Aboriginal organisations it assists, where 'major' generally refers to institutional supports, but may include corporate, philanthropic or NGO supports; and where 'potential supports' generally*

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[1] The member organisations of APONT are the: Aboriginal Medical Services Alliance of the NT (AMSANT), Central Australian Aboriginal Legal Aid Service (CAALAS), Central Land Council (CLC), North Australian Aboriginal Justice Agency (NAAJA) and Northern Land Council (NLC).

refers to potential synergies, partnerships and other complementary relationships between these major bodies and the AGMP.

3. *Examine forms of governance and other considerations in relation to the establishment of new Aboriginal organisations, incorporated or otherwise, in the contemporary 'enabling'/funding/policy environment. 'Considerations' here largely refers to the complexities, pitfalls and sustainability issues and concerns associated with starting an Aboriginal organisation nowadays. Itemise, summarise and briefly comment on some new or emerging governance forms existing among Aboriginal groups, particularly but not necessarily only those that seem to successfully address such considerations. This may include some key recommendations for those Aboriginal groups intending or beginning to establish an organisation.*

4. *Conduct some phone interviews to supplement the source information used in the services 1, 2 and 3 above.*

5. *Write a report to the AGMP on the matters immediately above, frequently using the examples of contemporary Aboriginal organisations. The report should make recommendations to the AGMP where appropriate and flag useful additional future research the AGMP may undertake/commission.*

1.2 RESEARCH SCOPE AND METHOD

1.2.1 The scope

The research project aims to inform AGMP's work with NT Aboriginal people who want to reinvigorate their existing organisational governance arrangements, or who are deciding whether or not to set up a new organisation and want options and advice about the pros and cons involved.

The primary focus is on 'governance' not 'management'; though the latter is discussed in the report because management is about getting things done well and so critical to the overall effectiveness of organisational and community governance.

The report is not intended to be a 'how-to' guide for setting up an incorporated organisation or for meeting the statutory requirements of corporate governance.[2] It aims to be a practical source of ideas and inspiration for people within communities and groups, that can be adapted to suit their own self-determined approach to organising governance.

Importantly, the research analysis has searched for *common experiences and conditions* shared by organisations that appear to be resilient and effective in their governance (irrespective of their differing locations, form, size and functions), in order to extract insights and solutions that may be of potential value for others.

At the same time as identifying common factors underlying success; the report also investigates the *different customised solutions* that Aboriginal people are designing for their governance in order to achieve the most compatible 'fit' with their local circumstances, cultural values and socioeconomic development priorities.

The overall focus is on *what works well, what has proven to be effective.* For example:

- How is success or effectiveness being achieved in Aboriginal organisational governance?

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[2] Comprehensive information on procedures for incorporation are available from the ORIC website for those wanting to incorporate under the national CATSI Act, or the various websites for incorporation under relevant state and territory government legislation.

- What is happening that is innovative and promising?
- How have Aboriginal people constructively overcome governance challenges, transitions and risks?
- What conditions, support and tools have made a positive difference to governance outcomes?
- How is effective governance being sustained over the long haul?
- Are there common practical lessons, solutions or success tips that might be useful for others so they don't have to reinvent the wheel when they develop their own ways of governing?

1.2.2 The method

The temptation to briefly canvass a large number of examples has been resisted in favour of being able to discuss a smaller selection of case studies in more detail (both established and emerging ways of organising).

In carrying out the desktop research, a wide range of evidence has been considered, including:

1. The author's own applied governance research work with Aboriginal groups and organisations across Australia over a period of four decades, which has included investigating the wider government policy and funding contexts and their impacts on Aboriginal organisations and communities.
2. The numerous existing governance case studies carried out by several researchers involved in the *Indigenous Community Governance (ICG) Research Project*, for which the author was a chief investigator and co-director.
3. The growing body of public information on Aboriginal governance in Australia that is available; for example, in published reviews, reports and surveys; as case studies from the *Indigenous Governance Toolkit* that is hosted by the Australian Indigenous Governance Institute (AIGI); and from Reconciliation Australia's *Indigenous Governance Awards* program.
4. New case studies which have been produced specially for the AGMP as part of this research project. These are based on lengthy phone interviews with senior staff from several organisations, and also draw on accessible public documents from their websites. Quotes and factual information obtained from the organisations' public documents available on their websites are referenced. Otherwise, comments and feedback obtained during telephone interviews are simply referenced as the 'Case Study' with the name for that specific organisation, rather than a particular person.

The project did not include field-based research with organisations which means that the depth of evidence and insights are correspondingly constrained. However, drafts of all new case studies were returned to each organisation for their feedback and correction of mistakes, before finalising for inclusion in the report.

1.3 THE REPORT STRUCTURE

To present the analyses of information in a way that will be most useful for AGMP and its clients, the report is laid out in 6 Parts. These can stand alone and customised for different governance training and development purposes.

Part 1: The Research Analysis and Report

Part 2: What We Already Know

Part 3: Case Studies of Organisations

Part 4: Structures of Organisational Governance

Part 5: Pathways to Governance Success: Factors that make the Difference

Part 6: Resources for Building Governance

1.4 FLEXIBLE USE TO INFORM DECISIONS

While Aboriginal people across the NT share many cultural traditions and behaviors in common, their governance solutions will need to be tailored to meet their different needs and governance challenges, diverse histories and changing future goals. Accordingly, the report is organised so that its contents can be used flexibly by the AGMP depending on the aims and circumstances of its Aboriginal clients.

The research content can be used by the AGMP to create tailor-made workshops and training sessions, to produce power points, to kick start conversations, and progressively deliver practical governance support on the ground. For example:

(i) Parts 1 and 2 provide valuable evidence about the risks and challenges people are likely to face; the assets and skills they may already have to call upon; and the signs of governance success and vulnerability that have been experienced by others.

(ii) The ‘Success Factors’ in Part 5 can be used and discussed separately or in combination in order to respond to the specific governance issue or challenge that a community or group wants to consider;

(iii) Several Success Factors can be combined with a case study from Part 3 to give people practical ideas and options to talk about.

(iv) Each of the Success Factors is accompanied by a set of questions that have been identified from the experience of organisations as being critical for governance outcomes. These can be used by AGMP staff to kick start discussions with people (informally or in workshops;

(v) The cases studies in Part 3 provide ‘life histories’ for established organisations. People who may want to deliver a similar service in a different region or community, or are going through a similar transition will find it useful to look at how another organisation has developed its own governance arrangements.

(vi) As organisations grow, they face crises and shifts in their operating environment. This means they may need to change and adapt their governance. The AGMP will be able to use the case studies in Part 3 to forewarn younger organisations about potential risks and threats.

(vii) The models and structures of governance described in Part 4 will give people ideas about what other Aboriginal groups and communities have done to build culturally legitimate and practically effective governance. These design solutions provide practical options which can be compared and customised.

(viii)These various training and development strategies can be further supported by drawing on relevant topics and practical resources available on the *Indigenous Governance Toolkit* website (www.aigi.org) The Toolkit covers many of the governance basics –rules, values, culture, membership, leadership, and decision making, organisational effectiveness and challenges – and has many examples from other groups of ‘ideas that work’.

By considering the experience of other organisations, people who are at the very beginning of their own journey will be better informed and able to make considered decisions about their governance arrangements; whether those end up being by formal incorporation or informal innovations.

PART 2:

WHAT WE ALREADY KNOW

2.1 WHAT WE KNOW: ABOUT GOVERNANCE

There are many definitions of governance, and it is usually discussed alongside related concepts of self-governance, government and self-determination.

2.1.1 Definition of 'governance'

For the purpose of this report, 'governance' is defined in the following way:

> *Governance means the rules, structures, practices, values and relationships that people put in place to collectively organise themselves and guide how they work together to pursue a future direction and get the things done that matter to them.*

Participants at the AIATSIS-AIGI workshop in Canberra (Bauman et al. 2015), proposed very similar definitions. Some plain-speaking comments included:

> *Governance to me means all that you do and how you do it in your organisation/community/group to make sure things work well so you can stay on track.*
>
> *I think of governance as all the components of a 'harness' that can get everyone pulling together in the same direction – toward Indigenous social, cultural and economic development outcomes.*

In order to govern, people (whether they are a community, nation, clan, footie team, welfare group, business or organisation) need to be able to:

- allocate and exercise power and authority;
- make and enforce decisions;
- mediate and resolve disputes and complaints;
- organise and plan; and
- monitor and review how they are doing that.

2.1.2 Definition of 'management'

If governance is about steering a future direction and deciding what tasks need to be done to get there; 'management' is the art of organising the 'doing' of those tasks.

For the purpose of this report, 'management' is defined in the following way:

> *Management is about obtaining, coordinating and using resources (including human, natural, technological, financial, capital and cultural) to accomplish a future goal in accordance with the direction, vision, rules and plans that have been set by decision-makers and members.*

2.1.3 The important parts of governance

Governance is made up of many different, but equally important elements.

It's not just about leadership. It's not just about the separation of powers, making strong decisions, communicating with your members, or setting future directions. It's about how a group of people get *all* the different parts of their governance to *work well together*. And that includes how they create and sustain customised solutions to align with their local conditions and cultural priorities, and have local credibility.

Governance has some common 'big components' which people need to carefully consider and then work out their own local or organisational solutions.

Figure 1. The important parts of your governance: Who, why, what, how, with what, when?

WHO: Your People • Who is it for? • Who does it? • Who makes it happen? • Who is the 'self' in your self-governance	group, community, nation traditional owners citizens, members families leaders organisations managers staff
WHY: Your Society & Culture • The main reasons why you are doing it • The components of your collective identity • Your shared ways of doing things	values rules worldview and beliefs knowledge traditions behaviours networks relationships
WHAT: Your Aspirations & Objectives • What you want to do • What you want to achieve • What things are most important to you? • Your future direction	vision goals plans and actions priorities and preferences functions and initiatives services and programs
HOW: Your Powers, Processes & Strategies • The institutions (rules) you need • Your authority and control • The way you do it • When you do it	rules, laws and policies authority and controls managing procedures and systems leadership and representation roles and responsibilities participation and performance accountabilities decision making milestones
WITH WHAT: Your Resources & Assets • The things you need in order to be able to do it	infrastructure and technology funding and finances capital (cultural, social, economic, natural, human) tools and training knowledge and expertise skills and capabilities partners and stakeholders agreements and contracts

WHEN: Your Progress Over Time • How to keep track of actions, progress & outcomes • How to handle crises & opportunities • How to adapt and sustain	outcomes and outputs indicators and measurement review, monitor and evaluate renew and adapt succession and transitions

2.2 WHAT WE KNOW: ABOUT THE GOVERNANCE ENVIRONMENT

Aboriginal governance in the NT operates within a wider 'governance environment' that has a considerable impact on the legitimacy, effectiveness and sustainability of Aboriginal arrangements.

2.2.1 Definition of 'governance environment'

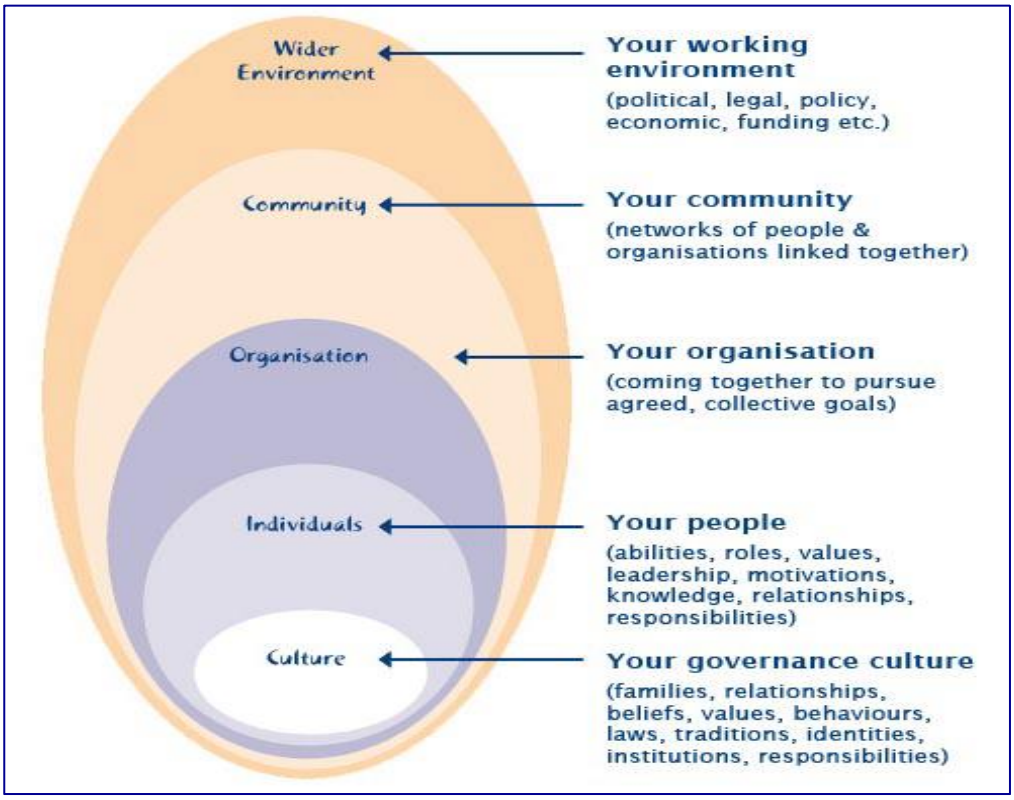
This means the surrounding external political, legal, policy, institutional and economic context within which a group, community, clan or organisation conducts its own governance.

For Aboriginal Territorians, this wider environment commonly includes:

- individual people;
- other groups, cultures, communities and organisations;
- local, state, territory and Australian governments, structures and representatives;
- NGOs, business and private sector companies;
- Australian legal systems and legislation;
- government policy frameworks and funding mechanisms; and
- the wider economy and market.

Different combinations of these actors and structures operate in different communities and regions. And each has its own characteristic set of governance rules, values and ways of doing things which may often be at odds with the way NT Aboriginal people govern themselves.

Figure 1. The layers of your governance environment.


Wider Environment
Your working environment
(political, legal, policy, economic, funding etc.)
Community
Your community
(networks of people & organisations linked together)
Organisation
Your organisation
(coming together to pursue agreed, collective goals)
Individuals
Your people
(abilities, roles, values, leadership, motivations, knowledge, relationships, responsibilities)
Culture
Your governance culture
(families, relationships, beliefs, values, behaviours, laws, traditions, identities, institutions, responsibilities)

Recent research suggests that the rapidly changing government policy and funding environment, and poor implementation capacity of government departments, has resulted in a significant governance crisis in some Aboriginal communities.

The crisis is characterised by:
- a multitude of informal advisory structures with limited decision-making control;
- few adequately resourced community governance mechanisms with genuine authority and control;
- inconsistent governance support and training;
- reduced funding for organisations; alongside
- an increase in administrative workload and 'upwards' accountability.

By way of example, a study of the outcomes of a major 'whole-of-government' coordination trial at a remote settlement in the NT found that rather than decreasing the quantity of administration, government coordination had in fact increased the number of funding programs from about 60 to more than 90 (Gray 2006: 9); with a corresponding increase in the administrative and compliance burden.

Such externally-driven conditions place heavy demands on Aboriginal communities and residents where there are limited resource and sometimes capacities. One local consequence is that the workload of decision-making and accountability falls onto the shoulders of a few people. Not surprisingly, people become disillusioned as their local priorities are overwhelmed by external agenda. And the capacity for collective action is undermined by the failures of government coordination and communication.

In effect, people are 'over-governed' by advisory mechanisms that deliver little substantive governing authority to them, but which require considerable time and energy from them. At the same time, they are also 'under-governed' in the sense of not having the time and support to build more culturally-legitimate, practically effective collective governance.

The practical implication is that when Aboriginal Territorians do decide to organise collective and organisational governance arrangements – whether that be as a small informal group or an incorporated organisation – they will need to understand and address the *specific* conditions of the wider 'governance environment' in which they operate.

Also, that broader environment changes over time. This means the governance solutions that worked well at one point in time, may not continue to be as effective and so need to be changed.

2.3 WHAT WE KNOW: ABOUT ABORIGINAL GOVERNANCE

'Aboriginal' governance is not the same thing as 'organisational' governance.

Aboriginal Territorians have always had their own culturally-based way of governing. It is an ancient jurisdiction made up of shared cultural principles of governance that inform cultural geographies ('country'), systems of law, traditions, rules, values and beliefs, structures, relationships and networks which have proven to be effective for tens of thousands of years.

Today Aboriginal groups, clans and families in the NT continue to adapt and use their governance values and institutions to collectively organise themselves to achieve the things that are important to them.

Governance is often equated by governments and the private sector with corporate governance and the technical and financial skills required to manage western-style institutions, rather than in terms of the deeper processes of group relationships and consensus decision-making that lie at the heart of Aboriginal governance.

For this reason, people tend to miss the fact that many aspects of Aboriginal life continue to be well-governed, particularly things that are called 'traditional', such as the large logistical events of ceremony and 'sorry' business (funerals), but also contemporary sporting events, festivals, and service delivery by organisations.[3]

These initiatives are all informed by networked kinship and economic-exchange relations which require complex logistical and political planning, consensus decision-making, implementation skills, and smooth-functioning governing structures (see case-study research papers in Hunt and Smith et el 2008). Such processes are evident throughout the NT; and not only in its remoter areas.

What makes governance in these arrangements distinctive is the role that Aboriginal social and political systems, values, traditions, rules and beliefs play.

Snapshot 1: Some Aboriginal 'design principles' for governance, as documented by the ICG Project.

- ***Aboriginal systems of kinship and political organisation*** *are a foundation of governance, and are complex networks of relationships that are fluid and negotiable.*
- *There is a difference between Aboriginal and non-Aboriginal meanings of* ***accountability, responsibility and legitimacy****. Aboriginal people value internal accountability and mutual responsibility; while governments emphasise 'upwards' accountability, financial management and compliance reporting.*
- ***The concept and style of leadership and decision-making*** *in Aboriginal cultures appears to be significantly different from those familiar to governments.*

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[3] See the many examples provided in Reconciliation Australia's several reports about the governance successes of Aboriginal applicants and winners in the national *Indigenous Governance Awards* at www.reconciliationaustralia.org

Aboriginal leadership is networked and extremely complex – being socially dispersed, hierarchical, and context specific (with ceremonial, organisational, familial, residential, age and gender variables). There are overlapping networks of leadership and authority in communities and regions, that permeate across organisations, clans and extended families.

- ***Aboriginal governance arrangements tend to be 'networked'*** *through thick inter-connected layers of related individuals, groups, organisations and communities, each having their own mutual roles, responsibilities and accountabilities.*
- ***Decision-making authority*** *in a networked model shows a preference for consensus and for decisions to be made at the closest possible level to the people affected and considered to be the 'right' people to make the decision.*
- *There is an emphasis on* ***relatively egalitarian distribution of powers and roles*** *between the groups or kinship units of a networked governance system. At the same time, people also recognise and value core heartlands of relationships to which they have greater attachment and more direct accountability.*
- *There are also individuals and structures that operate as* ***nodes' or 'connecting points'*** *and can exercise greater power and authority within communities and regions (e.g. influential leaders, powerful families and organisations).*
- *The* ***great sophistication and advantage of a networked governance design system*** *is that it can flexibly and opportunistically cope with scale: local groups can link across horizontally to other networks, or scale-up vertically to form larger collectivities and alliances.*

It should not be surprising then to see relational networked solutions as a common feature in Aboriginal people's solutions for their contemporary governance.

Snapshot 2: What is 'Indigenous' Governance? Comments from Participants at the AIATSIS-AIGI Workshop and Survey.[4]

- *Indigenous governance suggests – to me – an additional layer of accountability and responsibility…; that is, accountability and responsibility to the Indigenous community.*
- *Indigenous governance to me means how Aboriginal and Torres Strait Islander people organise themselves in ways that are meaningful and appropriate to achieve things that are important.*
- *Indigenous governance is the struggle for traditional patterns of social cultural and political life to be made visible and effective in Australian society.*
- *Indigenous governance means the incorporation of the cultural values of the relevant Indigenous people into that way/method/system.*
- *'Indigenous governance' can be used in relation to organisations: that is to mean the activities, systems, relationships and processes which enables an Aboriginal controlled organisation to operate effectively and deliver the desired results: ethically, legally, transparently, effectively and efficiently. Or it can be used in relation to communities, land and culture. In which case it describes a complex*

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[4] On 29-30 July 2014, the Australian Institute of Aboriginal Studies in partnership with the Australian Indigenous Governance Institute convened a two-day workshop in Canberra on '*Indigenous Governance Building: Mapping Current and Future Research and Practical Resource Needs*'. The presentations and discussions by participants at that workshop, along with an analysis of a survey sent electronically to interested parties, are reported in Bauman et al 2015 (forthcoming).

set of relationships, cultural protocols, practices, responsibilities and understandings which inform decision making. This can include family and kinship relationships.

Even when the term Indigenous governance is used in relation to organisational governance, it often involves at least an understanding of the interaction between complex community and family relationships and/or understandings, that pay regard to or are informed by cultural protocols, responsibilities and relationships. At the least these relationships need to be understood to exist and influence or interact with broader organisational governance.

In other words, just like all other societies around the world, the practice of Aboriginal governance cannot be separated from its traditions and culture.

But exactly how 'culture' should best be respectfully recognised when setting up a new organisation or rebuilding an established one is a challenging question, for it involves designing solutions that need to work 'both ways' – that is, to have credibility with Aboriginal people as well as in the wider intercultural environment.

2.4 WHAT WE KNOW: ABOUT 'SUCCESSFUL' OR 'EFFECTIVE' GOVERNANCE

There is no single governance template or model that can be applied across the Territory. Differences in cultures, location, geographies, population scale, objectives and so on, demand different structural solutions.

'Success' or 'effectiveness' means different things to different people. First and foremost, measuring the effectiveness of governance needs to be done according to the aspirations and priorities of the people being governed.
At the same time, the available research to date also indicates that not all governance arrangements are equally effective. Some governance arrangements do work better than others, and some work better in different local conditions.

There are critical conditions that need to be met in order for governance arrangements to be (and be seen to be) effective. The *United Nations Development Program* (UNDP n.d) says that to have effective governance, it is necessary to demonstrate:

- Legitimacy and Voice—where all men and women have a say in decisions and about what is in the best interests of the community or group.
- Fairness—where all men and women have the opportunity to maintain and improve their wellbeing and have their human rights protected.
- Accountability—where decision-makers are internally accountable to their members, as well as to external stakeholders.
- Direction—where decision makers and members have a shared, long-term view of what they ant their future society to be like.
- Performance—where the governance system is able to deliver the goods, services and outcomes that are planned for, and meet the needs of the members.

But it is not enough to simply import foreign governance structures or principles into communities and organisations, and expect they will function effectively.

In Australia, the *Indigenous Community Governance* (ICG) *Research Project* (2002-06) identified several additional fundamental conditions which, *in combination*, contribute to more effective, resilient Aboriginal and Torres Strait Islander governance (see also summaries of this and other research evidence in the Human Rights Commission *Social Justice Report* 2012). They are:

- Cultural legitimacy or credibility—where there is an alignment between the organisational governance structures and leadership, and Aboriginal values and ideas of how power and authority should be exercised.
- Cultural geographies and networks—where there is consideration of the diverse culturally-based scales, relationships and connections that consistently come into play when Aboriginal groups consider how best to organise their governance.
- Governing powers—where there is genuine and substantive decision-making authority and acknowledged control over matters that are important to people.
- Institutions—where there are credible governing laws, rules, regulations, policies and standards that win the trust, support and commitment of members and external stakeholders alike.
- Capability—where there is sufficient and sustainable practical capacity[5] to enable people, individually and collectively, to do the job of governing and reach their own goals over time.
- Self-determined choice—where the governance arrangements are based on the free, prior informed consent[6] of Aboriginal people themselves.

Achieving some of these conditions is partly dependent on the legal recognition, resources and decisions of external governments. But as many participants noted at the Tennant Creek Summit (APONT 2013), other conditions lie in the hands of Aboriginal people themselves to determine and shape in response to their local circumstances and priorities.

Effective governance is not a permanent end state. It's about *what people do*. It involves creativity and flexible adaptation based on agreed, self-determined standards that people are committed to and work towards. In other words, it requires vigilance and commitment.

2.5 WHAT WE KNOW: ABOUT 'POOR' OR 'INEFFECTIVE' GOVERNANCE

The *process* by which people initially engage with each other to think about governance options and then agree on solutions is extremely important to the success of their future arrangements. As is people's ability to subsequently *adapt and evolve* those arrangements over time in response to changes (internal and external).

The roots of governance failure may be present in the very beginnings of the process.

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5. 'Capacity is the combination of people, institutions, resources, and organisational abilities, powers and practices that enable a group to reach their own goals over time' (Smith 2005). Capacity development is '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 (UNDP 1997).

6. Self-determined, informed consent means that Aboriginal people must play the principal role in deciding upon and designing their own governance structures. (Russ Taylor 2010; Human Rights Commission 2012).

The early seed of that failure— which may only become apparent later — often lies in there being a misalignment or lack of 'fit' between the organisational governance arrangements that have been chosen (the structures, processes, rules), and the local cultural system that gives governance its local credibility and authority to act.

This lack of 'fit' or alignment may lead to a situation where the resources (human, natural, financial) of the organisation become depleted or contested. The early signs of trouble may also be apparent in weak performance, erratic decision making, internal conflicts and disorganisation, and uncertainty about what is 'core' business.

These inadequacies can accumulate and spiral into a crisis that may lead to financial insolvency, entrenched conflict within a community or group (for example, about membership of the organisation and access to resources), a high turnover of leaders, managers or staff, and failure to deliver core services.

In this downward spiral, the opportunity to make a strategic recovery occurs less frequently. There is some research to indicate that certain kinds of poor governance and management may be more catastrophic than others. For example, the Office of the Registrar of Indigenous Corporations (ORIC) examined 93 cases of what it called 'corporate failure' within Indigenous businesses incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act)[7] or its predecessor, legislation between 1996-2008 (ORIC 2010).

ORIC (2010) identified 23 symptoms of corporate failure which it grouped into 7 'classes' (diligence, mismanagement, disputes, fraud, defunct organisation, interference, objectives). It concluded that the failure of the vast majority of Indigenous corporations is due to poor performance of their directors and staff:

> *A clear majority of Indigenous corporations failed (67 per cent) because of poor management or poor corporate governance. Three common symptoms of failure found include—failure to produce financial accounts, not holding annual general meetings and poor record keeping of members' records. … Moreover business failure is generally the result of a series of inadequacies, not just a single deficiency*.

Furthermore, the remarks of Justice Owen during the Royal Commission into the HIH collapse have insight for the governance (and management) of Aboriginal organisations (both formal and informal):

> *Systems and structures can provide an environment conducive to good corporate governance practices, but at the end of the day it is the acts or omissions of the people charged with relevant responsibilities that will determine whether governance objectives are in fact achieved. For example, the identification of the background, skills and expertise of the people who walk into the board room is a good start, but it is what they do when they*

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[7] The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) is based on the *Corporations Act 2001* (Corporations Act), but in many important ways it is focuses specifically on the specific circumstances of Aboriginal and Torres Strait Islander people. The CATSI Act is the set of laws that establishes the Registrar of Aboriginal and Torres Strait Islander Corporations, now called the Office of the Registrar of Indigenous Corporations (ORIC), and allows Indigenous groups to form incorporated organisations. It began on 1 July 2007, replacing the *Aboriginal Councils and Associations Act 1976* (ACA Act). ORIC defines 'corporate failure' narrowly to mean an incorporated organisation that has been subject to external administration initiated by the Registrar.

Registration under the CATSI Act is mostly voluntary. However, some corporations—for example, 'prescribed bodies corporate' set up under the NTA are required to register under the CATSI Act.

> *get there that is critical. (Owen 2003, Part 3: 105)*

ORIC concluded that the findings suggest Indigenous organisations need support and capacity development in managing their affairs, not only in respect to governing the corporation but in the management arena as well. In other words, the quality of leadership *across* the whole organisation is clearly very important, and highlights the need for governance and management to be conducted as an effective partnership. Each of the common symptoms of failure, ORIC argued, can be improved by providing better governance support services.

2.6 WHAT WE KNOW: ABOUT WHY GOVERNANCE IS SO IMPORTANT

Over the last several decades, there has been mounting evidence nationally and internationally for a strong causal link between governance and achieving desired social and economic development outcomes.

Research by the United Nations Development Program, the World Bank, the Harvard Project on American Indian Economic Development and the Australian Indigenous Community Governance (ICG) Project all concludes that a critical factor in getting sustained development happening is having effective governance (see for example Dodson & Smith, 2003; Smith, 2005; United Nations Development Program (UNDP), n.d.; World Bank, 1994).

In other words, effective governance is a prerequisite for effective responses to poverty, livelihood, environmental, family and gender concerns. It is a powerful predictor of success in economic development. Importantly, in remote communities far from mainstream market economies, it delivers a tangible return or reward (not the least being local employment).

It also makes a powerful contribution to community well-being, resilience and safety. For example, Dodson and Smith (2003:v) highlight that building 'good governance' is the key ingredient—the foundation stone—for building sustainable development in communities. The Australian Government's Coordinator-General for Remote Service Delivery (2009) concludes that without a 'strong focus on strengthening governance, some communities would struggle to engage effectively with government to drive outcomes on the ground'.

Furthermore, the organisations that are successful appear to be ones which are underpinned by effective governance and take steps to avoid poor or disabling governance (Finlayson 2004; Morley 2014; Cornell & Kalt 1995; IBA 2008).

The Standing Committee on Aboriginal and Torres Strait Islander Affairs notes that 'Indigenous enterprises function best when Indigenous control is maximised in a strong corporate governance structure' (HRSCATSIA 2008:31).

These points were reinforced by the Coordinator-General for Remote Service Delivery who stated that:

> *… strong, well-governed Indigenous communities and organisations are the key to real success in achieving lasting change on the ground. Specifically:*
>
> - *strong leadership and locally accepted representation systems are critical to mobilising community participation and sustaining effective governance;*
> - *genuine power to make decisions is required at the local level, which implies acceptance of local responsibility for local decisions; and*
> - *credible decision making must be backed up by the reliable resources and capacity to enforce the implementation of decisions. (CGRIS 2009: 18-19).*

The bottom line is that improved governance *by* Aboriginal people and their organisations is likely to lead to significantly improved outcomes *for* Aboriginal people.

This is not to ignore the role and responsibilities of governments, the private sector and the increasing number of NGOs working in Aboriginal communities. Rather it recognises that self-determination begins with Aboriginal people taking charge, asserting their own agenda, and getting things done well. One Aboriginal participant at the APONT Tennant Creek Summit captured this critical point:

> *It's important for Aboriginal people to propose their own governance priorities and share ideas about what works. But it's also time to do the practical governance work that is needed to turn rights into outcomes. Governments will come and go, but Aboriginal people will still be here….. This Summit will be a wasted opportunity if we spend all our time and energy talking about what should be delivered by governments. That is not self-determination in action!* (APONT 2013).

2.7 WHAT WE KNOW: ABOUT ORGANISATIONAL GOVERNANCE

Not all ways of organising governing arrangements require legal incorporation. Structures are a means to an end, not the entire solution to governance. Many Aboriginal people are organising themselves more informally, and placing greater emphasis on their relationships and shared objectives.

Definition: An organisation is a group of individuals who come together to operate a system of work in order pursue agreed objectives that would otherwise be unattainable, or would only be attainable with significantly reduced efficiency and effectiveness. In order to achieve their objectives, groups take on enduring structures that are comprised of parts around functional divisions of labour, hierarchical roles, and related rules and procedures. People's energy, effectiveness and communication are either hindered or enabled by this system of work.

Definition: Organisational governance is the exercise of power and authority, and steering direction to accomplish an organisation's operating system of work and secure its strategic objectives. The governance of an organisation rests under the direction of the group of people who are recognised and elected or selected by their nation, community or group as being the people with the right, responsibility and ability to govern on their behalf.

Importantly, Aboriginal Territorians already organise themselves according to their culturally-based systems of governance, as well as in more informal voluntary groupings—such as assemblies, alliances, working groups, committees—to get specific things done together within their communities and regions. They often deliberately choose not to go down the road of legal incorporation.

2.7.1 Aboriginal organisations in the NT

An Aboriginal organisation may be legally incorporated under Australian legislation; and many of these are now established in communities and towns across the NT.

Snapshot 3: A Profile of Organisations in the NT

- *In the first half of 2014, there were a total of 618 Aboriginal organisations in the Northern Territory (NT) incorporated under the CATSI Act), and 141 incorporated under NT legislation.*
- *That means around 759 incorporated organisations are operating across the Northern Territory. Some are small and operate at a purely local community*

level; others are larger and service multiple communities within a large region. Some are peak bodies that have functions at a territory-wide level.

- *Approx. 60% of NT incorporated organisations are in remote or very remote locations.*
- *ORIC estimates there is an average of 7.9 directors for incorporated Indigenous organisations in Australia. This suggest that in the NT, there are minimally 6,000 Aboriginal men and women carrying out the roles and responsibilities of governing an organisation.*[8]
- *That total does not include the large number of elders and other community residents who give their time, often free of charge, to attend the multitude of informal (unincorporated) steering committees, advisory groups, reference and working groups, local boards, meetings and consultations that are convened regularly in communities and towns across the NT.*
- *Governance mapping carried out in one remote NT community with some 240 adults, counted over 20 informal non-incorporated governance structures, on which 60 local men and women carried out governing roles and responsibilities (Chapman et al 2015).*
- *In other words, there is a substantial, often unnoticed, governance workload being undertaken by Aboriginal people in their communities and regions. With that workload comes a high level of demand on people's time, energy and skills, and great expectations from community members for positive outcomes.*

Australia wide, the trend increasingly is towards incorporation.[9] In 1981, only about 100 corporations were registered. By 1995–96 this number had grown to 2,654. In 2014, the total is estimated by ORIC as being near 9,000 Australia-wide (pers com. A. Bevan ORIC Registrar). This trend is also likely to be occurring in the NT.

2.7.2 Successful NT organisations

Many NT incorporated organisations are extremely successful, both in remote and urban locations.

In respect to governance achievement, NT organisations have been amongst the finalists in every year of the national *Indigenous Governance Awards*; and winners on four occasions (Reconciliation Australia, Indigenous Governance Awards, Finalists Archive).

Snapshot 4: The Top 500 Indigenous organisations in Australia (ORIC 2014).

ORIC ranks the Top 500 incorporated Aboriginal organisations across Australia according to their generated income, and then further analyses them in respect to their statutory compliance, employment, governance, gender representation.

- *Of the most successful 500 organisations across Australia, ORIC statistics show that the NT had the highest number of corporations in the top 500 (164) in 2012-13 (approximately one third); with 16 organisations in the*

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[8] It should be recognised that many organisations have more than 8 directors, which would increase the total number. On the other hand, some people are directors of more than one organisation, which would decrease the overall total. Unfortunately there is a lack of detailed data to further clarify this point, so the total of 9,000 is given as a best estimate.

[9] This is not always at the choosing of Indigenous people but may be imposed on them as part of being awarded government funding. For example, the current round of Federal Government Indigenous Affairs Services funding requires organisations receiving grants above a certain level to incorporate under the national CATSI Act.

top 20. That mark of success has grown from 99 in the top 500 in 2007-08; a growth of over 60%.

- *Of the top 500, the NT had the highest average combined total income for all its corporations, compared to other states and territories in Australia ($737.8 million) and has maintained that lead since 2004-05.*
- *Since 2007-08, the NT has also experienced significant growth in the total number of staff employed by corporations in the top 500 from 1544 to 4,713 (a massive 205% increase). In 2012-13, 39% of total employees in the Top 500 across Australia were to be found in NT Aboriginal organisations.*
- *Interestingly, the breakdown of male and female directors on the boards of the top 500 across the nation is roughly half and half with 45.6 per cent male, to 54.4% female. Given the high proportion of NT organisations in the top 500, it is likely that this is also the case in the NT.*

2.8 WHAT WE KNOW: ABOUT GOVERNANCE CHALLENGES IN THE NT

In order to establish and sustain effective governance, Aboriginal people and their organisations in the NT face a number of major challenges not only from within their own communities, but also arising from the wider external environment.

The scope of those challenges should not be underestimated.

Not all are of Aboriginal people's own making, and many are not under their direct control to change. But the multitude and complexity of the challenges create an influential 'operating environment' which must always be taken into account by Aboriginal people when designing and implementing governance solutions.

The important point is that to build and sustain effective governance, organisations must be able to strategically respond to different challenges whether those are internally or externally generated.

2.8.1 Major Socioeconomic Challenges

Many of the obstacles to effective governance arise out of the impoverished socioeconomic conditions in NT Aboriginal communities, the low historical investment in infrastructure by governments at all levels, and the limited availability and effectiveness of service delivery. Research indicates that Aboriginal Territorians continue to have unacceptably high rates of poverty, unemployment, early mortality, and reliance on welfare transfers, alongside lower levels of income and education relative to other Territory citizens and other Australians nationally (REF).

Exacerbating these socioeconomic and geographic conditions is a looming demographic challenge that has profound implications for Aboriginal development and governance arrangements.

Snapshot 5: The NT Aboriginal Population.

Population—*The NT has a small, diverse population spread over an area of 1.35 million square kilometres, 1.7 times larger than New South Wales and six times the size of Victoria, but with a population at the time of the 2011 Census of only 228,265.*

Aboriginal Territorians are a large and growing share of the NT population (30 per cent), and are increasing at a much faster rate than the overall Territory population; having increased by 20.5 per cent over the last intercensal period.

Age structure*—The NT Aboriginal population is relatively young. According to the 2011 Census, the median age is 21 years, compared to 38 years for the non-Aboriginal population (Taylor & Biddle 2009).*

Of significance is the fact that, contrary to the population decline and ageing that constitutes the 'regional problem' for many parts of the broader Australian population, because the NT Aboriginal population is growing more rapidly, younger families are forming faster. This comes with all the associated consequences of higher demand for specific services for families and children.

Future structural ageing*—At the same time, the NT Aboriginal population is ageing and projected to age even faster over the next few decades. The proportion of Aboriginal Territorians aged 55 years and over increased from 7.7 per cent in 2006 to 9.5 per cent in 2011.*

The timing of this structural ageing has implications for development and governance. Specifically, in the future, before reaching old age there are likely to be enhanced rates of growth in the populations of prime working-age and reduced growth in the infant and school-age groups (Taylor & Biddle 2009; Biddle 2012).

Geographic Remoteness*—The Aboriginal population is much more likely to live in remote and very remote parts of the NT relative to other Territorians. For example, 70 per cent of the non-urban population is Aboriginal, almost all residing on the Aboriginal-owned estate. (Altman et al. 2007: 14; Altman et el. 2005).*

There has been an increased dispersal of the NT Aboriginal population to remote outstations on Aboriginal-owned lands. In other words, there is considerable continuity of Aboriginal people's desire to stay on their own traditional lands in non-urban communities, despite rising urbanisation.

Dispersed Urbanisation*—At the same time, the greatest population increase over the last intercensal period occurred in relatively urbanised regions, and the Aboriginal population is likely to become more urban over the next few decades (Taylor 2006).*

While migration from the bush to towns and cities has undoubtedly occurred over the past 30 years, the equally telling observation is that many remote settlements have continued to grow in size and complexity with several achieving the status of 'urban centre' or 'remote town'. Among those with a population that now exceed 1,000 persons or are very close to it are the following: Wadeye, Maningrida, Nguiu, Galiwinku, Milingimbi, and Ngukurr (as well as Larapinta town camp in Alice Springs) (Taylor 2006, 2005).

Socioeconomic*—Aboriginal Territorians receive only 4 per cent of the total employment income and represent 30 per cent of the officially classed unemployed. Over 60 per cent of the total NT Aboriginal income is from welfare payments; compared to 9 per cent of non-Aboriginal income (Taylor 2003).*

In many communities there is a large shortfall of essential infrastructure and housing, and much of the existing housing stock is in a poor state of repair (Taylor 2004) (Biddle 2012).

Education*—The 1999 Collins Review of Aboriginal education (NT Department of Education 1999), judged that Year 10 level literacy and numeracy are required for management and governance roles in communities. The review committee reported that Aboriginal students in the 11–16 year-old age group in remote communities were averaging only around Year 2–3 levels of literacy and numeracy.*

The first comprehensive review of Aboriginal education in the NT since the

Collins Review, reported that despite substantial effort, in some areas the position for many Aboriginal children is worse than it was at the time of the Collins Review. The dimensions of the problem are evident in National Assessment Program Literacy And Numeracy (NAPLAN) results. By Year 3, Aboriginal students in very remote NT schools are already two years of schooling behind other Aboriginal students in very remote schools in the rest of Australia in their writing results. By Year 9, the gap is about five years of schooling.

These are not comparisons with the general population, but with comparable students in comparable locations. Only 29% of the NT Aboriginal population attends school beyond Year 10 (Wilson 2014).

Health*—While school attendance figures have been generally improving in the NT, entrenched health problems continue to be experienced by many and serve to compound poor learning and educational outcomes across generations of families and whole communities.*

Access to IT*—Only 41% of all Aboriginal households and only 18% of very remote Aboriginal households are connected to the internet. (Wilson 2014).*

2.8.2 The Challenges of Success

Other governance challenges for Aboriginal Territorians and their organisations are, paradoxically, the products of success.

Many Aboriginal groups across the NT have secured significant land rights under the *Aboriginal Land Rights NT Act (1976)* (ALRA) and more recently native title rights, thereby extending the bases of their authority over considerable tracts of land.

Snapshot 6: Aboriginal Land Ownership in the NT.

- *At 2006, NT Aboriginal traditional owners owned 568,366.6 sq. kms of inalienable freehold land, with a total Aboriginal land (including leases, freehold and alienable freehold) of 604,842.2 sq. kms divided into some 1,031 parcels of land, but with some being extensive in size.*
- *As a result, approx. 45 per cent of NT land is Aboriginal-owned land (Altman : 16), with a further 9.6 per cent (or 120,000 sq. kms) subject to claim.*
- *In addition there have been acquisitions by the Indigenous Land Corporation (ILC) since 1995 and pockets of land granted as excisions or community living areas under the Pastoral Land Act 1992 (NT) (Altman et el 2005; 2007).*
- *In 2014, the ILC website reports there were 18 Aboriginal properties covering 841,201.55 hectares in the NT (ILC website).*
- *Research by John Taylor (2003, 2004) estimates that a large proportion (over 70%) of the NT Aboriginal population resides on such Aboriginal-owned land. Furthermore, that population is likely to grow rapidly in the next 20 years.*

Whilst often remote and so incurring higher investment and development costs, the Aboriginal-owned estate in the NT includes some of the highest conservation priority lands in Australia, including many of the most intact and nationally important wetlands, riparian zones, forests, and rivers (Altman et al 2007:55).

Aboriginal Territorians have used this significant property right to negotiate major resource development agreements and regional partnership with governments and the private sector, established numerous business enterprises and joint ventures. Many groups use their royalty monies and business profits to subsidise the delivery of a wide range of benevolent and essential services (including social, cultural, education, outstation and health services) to their members.

2.8.3 Implications for Organisational Governance

The implication for governance of these internal and eternal challenges is that:

- As a consequence of their success in land acquisition and land rights claims, Aboriginal Territorians face the daunting challenge of managing major land and natural resource endowments, and the related task of designing and operating effective forms of governance in their communities and organisations that will generate sustained development.

- Their impoverished socioeconomic status and demographic profile adds a further dimension of complexity to that challenge.

- Poor health and low levels of education are governance issues. Individuals may experience multiple health and educational disadvantages as well as related personal difficulties that leave them feeling socially disconnected and angry, and so poorly equipped to engage in the work of governance.

- Families are vulnerable to unexpected economic changes and can become locked into a 'feast and famine' cycle, requiring sustained intensive support from Aboriginal organisations and leaders.

- Organisations and communities as a whole are vulnerable to the rapid policy and program changes of governments and private sector stakeholders.

- The job of representing and communicating with Aboriginal members who reside in widely dispersed communities presents a major logistic and resource challenge for organisational governance.

- Another challenge will be how to accommodate economic development growth while having a burgeoning youthful population who will expect access to employment and services for young families.

- The urbanisation of some sections of the Aboriginal population means there is a need to consider governance arrangements for those people living in towns. These may be different than for small remote communities.

- One of the greatest challenges will be to integrate Aboriginal concerns and cultural priorities into effective governance systems that respond to the great diversity of communities in the NT.

2.9 WHAT WE KNOW: ABOUT BUILDING AND SUSTAINING GOVERNANCE

The Australian evidence indicates that Aboriginal people *can* make a difference—there are things they *can* control (Smith and Hunt et al 2008). But they often get locked into premature action without having created robust governance arrangements, and without sufficient governance support and experience.

> *It's important for Aboriginal people to propose their own governance priorities and share ideas about what works. But it's also time to do the practical governance work that is needed to turn rights into outcomes. Governments will come and go, but Aboriginal people will still be here.* (David Ross, Tennant Creek Governance Summit, APONT Report 2013).

Building legitimate, capable governance is a developmental process; it takes time.

To be most effective, governance development:

(i) must proceed from a starting point that is considered to be locally appropriate and relevant to local concerns;

(ii) include facilitating inclusive conversations within the communities and groups involved;

(iii) requires sensitive leadership and support that enables people to make informed choices and decisions;

(iv) draw attention to a group or community's own self-determined processes of decision making, and to the values, behaviours and rules they see as fundamental to legitimate governance ; and

(v) build on existing skills, experiences and structures that will lend credibility and resilience to agreed governance arrangements.

Governance may require change, and in some cases innovation.

Innovation necessarily involves adjustments; for example, in membership boundaries (who is the 'self') or in the scale of operations. But if carried out as a result of informed decisions and consensus, governance innovation is an act of self-determination (Smith 2004:27; Human Rights Commission 2012).

For such innovation to be positively enabling, it needs to be situated within a developmental framework based on local control, informed participation, and access to and control over real resources.

Fundamental to the practical work of building and sustaining governance are human capabilities; that is, the range of things that people can do, or be, in life. This means that a more developmental approach to building governance is directly linked to building the capacities, expertise and experience of groups of people and organisations.

The development of capacity needs to be ongoing and incremental. It should be a process of continuous learning that becomes embedded in an organisation's internal 'governance culture'. Creating that kind of internal culture requires leadership and commitment at the most senior levels. Sustained, place-based, 'on-the-job' approaches to building governance capacity work better than one-off workshops.

The ICG Project, and more recently the AIATSIS-AIGI governance workshop (Bauman et al. 2015) identified a great need amongst Indigenous groups and organisations for access to quality governance information, relevant development tools, and experienced professional advice to assist them in their governance initiatives.

Snapshot 7: Getting Started Building your Governance (The *Indigenous Governance Toolkit*).

Getting started on the road to building or reinvigorating governance arrangements is a critical and often stressful time. There are some insights from other Aboriginal people's experience which can assist meeting the many challenges that arise.

Start with what matters to your people. *Governance is about relationships, so include your people in the process from the start. Find out what matters to them about their governance as well as their concerns and ideas, and what* *they think they can do about it. Help them understand why there is a need for change. Talk together about the issues and keep the conversation ongoing.*

***Talk through your governance history**. Nations, communities and organisations that go back to the beginning and explore where their governance arrangements have come from, where they are now (what works, what doesn't and why) and where they want to go are the ones that tend to have the best start and tend to keep working hard.*

***Find the people who are willing to lead.** Look for the people in your nation, community or organisation who can lead you in new situations and take responsibility for making decisions and rebuilding your governance. Make sure your young leaders have a role in the rebuilding work.*

***Build on the strengths, assets and expertise you already have.** Strong governance is built on knowing what you've got and using it well. Everyone in your group has skills, abilities, knowledge and experience you can draw on to strengthen your governance and reinforce a shared commitment to rebuilding.*

***Governance is learned by doing.** Making changes to governance is best done 'on the job' as part of your daily work and living together. That means changes have to be about real things with real consequences for people. Working together to learn and to get things done will instill a strong commitment to governance deep within your nation, community or organisation.*

***Don't be afraid to ask for help.** Don't reinvent the wheel if you don't need to. You could adapt practical solutions already discovered by others to save yourself time. Stay networked with people who are trying out different solutions. Seek out expertise or additional training, but make sure you stay in control of the direction you want to take.*

***Be strategic.** You can't do everything at once, but you can start somewhere. Sometimes it's best if the first steps are small and incremental. The point is to prioritise your problems before you begin. Start with the things you know you can change, rather than trying to change things that are outside your immediate control.*

***Be honest.** Other people and governments may have created some of your problems, but it is up to you to resolve them. Identify the internal problems that you need to take responsibility for and deal with them—no-one else will do it for you. Besides, internally generated change usually works much better than when change is imposed on you from the outside.*

***Institutionalise your governance solutions.** In other words, protect your new governance solutions by embedding them into your rules, laws and processes. You can integrate your successful governance arrangements and values into your constitution, meeting rules, decision-making procedures, codes of conduct, policies and strategic plans. Make sure they are written into all your agreements and contracts with external parties.*

***Tolerate initial mistakes and stay flexible.** No-one ever gets it right the first time around. You may need to experiment a bit, so it pays to keep your initial arrangements flexible. Set a timeframe for when you'll have another look at your new solutions and if they're working as well as you want. Remember, no-one has ever achieved 'perfect governance'.*

2.10 WHAT WE NEED TO KNOW MORE ABOUT: SUGGESTIONS FOR AGMP'S ONGOING WORK

There are many gaps in our understanding of Aboriginal governance – as culturally-based systems and practices, and in the way those articulate with the western governance systems of the Australian state.

For example, in order to support the efforts of Aboriginal Territorians working to design and implement their governing arrangements, we need to know more about and better understand:

(i) Getting Started: How do people *first get started* along the pathway of creating new governance arrangements? What are the priority issues and initial challenges that they have to address when designing new arrangements or radically rebuilding their governance? How do they tell what might work well for them; and what won't?

(ii) Sectorial governance: Do organisations that operate in different industry sectors (e.g., health, education, employment, business, tourism, land and sea management, welfare, resource, native title) require different kinds of governance arrangements?

(iii) Informal non-incorporated organisations: These include diverse structures such as committees, working groups, reference groups, hosted and incubated arrangements, elders groups and so on. How many are there operating in communities? How were they established and how many adults are involved in this kind of governance work? What are the advantages and disadvantages of this approach compared to formal incorporation?

(iii) Scale: Are there different representative and structural requirements that come into play and need to be addressed at different geographic and membership scales (e.g., across local, community, regional and territory levels, and along the remote–urban continuum)? And what economies of scale actually work at these different levels?

(iv) Governance histories: What influence does a group or organisation's particular governance history play in its ongoing viability and governance effectiveness?

(v) Culturally-informed governance models: What Aboriginal principles, values and practices inform organisational governance solutions at diverse levels of social scale and cultural diversity? What are the emerging intercultural designs and areas of competency that contribute to effectiveness? What conditions promote or undermine cultural legitimacy?

(vi) Gender: Are there gender considerations that NT Aboriginal people take into account in the design and exercise of their governance? How are these being addressed in organisational governance contexts?

(vii) Decision-making and consensus-building: What modes of decision making are people using to enhance their governance representation and credibility? Are there culturally-based mechanisms for managing disputes and complaints that work effectively within organisational settings?

(viii) Board-CEO relationship: What makes for a productive and effective relationship between an organisation's board and its CEO/General Manager? What are the best practices by which a board can review the performance of its CEO/General Manager?

(ix) Succession planning: How are people doing this? Do some models work better than others?

(x) Crises and Change: What are the important factors that make a positive difference to outcomes when crises or a major expansion/downsizing happens in an organisation? What contributes to resilience and adaptability at these times?

(xi) Governance for sustained development: Are there governance structures and arrangements that contribute to generating and sustaining economic development outcomes?

(xii) Self-evaluation: What are the best ways that organisations and communities can evaluate their own progress in order to ensure they stay on track?

The AGMP may not be in a position to undertake major research projects on these knowledge gaps. But the broader experience with governance training and professional development to date — both nationally and internationally — is that Aboriginal people appreciate hearing stories that come directly from others about how they have addressed problems:

> *Often, by hearing each other's approaches, it helps people reflect on what their own cultural approaches to governance are. They might have an assumption that this is just governance … that this is how it's done… they don't realise it's unique to their community because they're embedded in it … it's that way of sharing different experiences which somehow helps people reflect on their own way of doing things, and also opens up their eyes to maybe other ways to do it – and think outside the box in considering what might be useful for their own communities – and throw out what's not useful* (Participant at AIATSIS-AIGI Governance Research Workshop Report, Bauman et al. 2015).

As the AGMP continues to work with NT groups, it is extremely well-positioned to gather first-hand information and so make a valuable contribution to filling in some of these gaps, and to identifying more effective ways of supporting Aboriginal people in their governance initiatives.

Accordingly, it is suggested that AGMP:

(i) Be encouraged to document additional stories about organisational innovation and governance success in order to expand the 'baseline' of information produced in this report, and to identify potentially transferrable solutions.

(ii) Record short interviews (by film, audio and written) with individual leaders and managers about their experiences in designing and managing governance arrangements. The case studies presented in this report provide one possible template for documenting such stories and interviews.

(iii) Work with the successful NT winners and finalists from several years of the *Indigenous Governance Awards* to further document their governance journeys and share their ongoing experience with other Aboriginal groups and organisations (e.g., at regional workshops).

(iv) Identify and make widely accessible via the AGMP website, examples of innovative policies, customised training and visual tools which NT Aboriginal organisations are already developing to use with their own governing boards and staff.

(v) Document the innovative solutions that people are designing for informal organisational governance (as alternatives to incorporation) and seek people's views about the reasons for their preferences.

(vi) Build a more accurate baseline database about the actual number of incorporated structures in the NT (under both the CATSI Act and NT Legislation); their location and industry sector focus; the number and gender breakdown of their boards, and turnover of CEOs and Board members etc.

(vii) Map the wider network of informal governance structures that operates within the particular communities in which the AGMP is partnering to carry out demonstration governance-development with specific organisations.

(viii) As it works with organisations, identify and document any industry-specific factors and conditions that appear to influence the need for specific governance arrangements tailored to those industry contexts, and that contribute to greater governance effectiveness in such sectors.

(ix) As it works with groups and communities, identify and document the diverse approaches and solutions which people are generating around the cultural conditions and legitimacy of their governance arrangements.

(x) Be alert to and document transitions in organisation life cycles, including what appear to be influential factors that initiate or require a transition; the strategies people use to address those, their effectiveness and outcomes. What causes some organisations to make successful transitions and others not?

(xi) Identify and document additional practical examples of the 'critical factors for success' that are set out in part 6 of this report in order to provide further scenarios and stories for governance training purposes.

(xii) Expand upon the visual diagrams of organisational governance structures contained in this report, including structures for industry-specific governance arrangements, and networked structures that address issues of scale, population dispersal and so on.

(xiii) A particular gap in our understanding of organisational governance is the processes involved when people first get decide to establish an organisation. What are the motivating factors that get people started? What are the challenges they face? How do people make informed decisions about their governance options? Why do people choose one structural model over another? What works and what doesn't work in first getting established?

(xiv) The relationship between the CEO and Board is a critical one for organizations. Why are some relationships better and more effective than others? What are the factors/conditions involved? What undermines this relationship? What are examples of effective performance review processed carried out by Boards of their CEOs? Examples of 'what works' in building a productive and effective relationship will be valuable for others.

PART 3: CASE STUDIES OF ORGANISATIONS

New case studies which have been produced specially for the AGMP as part of this research project.

The case studies set out in this Part are based on lengthy phone interviews with senior managers from several organisations, and also draw on accessible public documents from their websites.

Quotes and factual information obtained from the organisations' public documents available on their websites are referenced. Otherwise, comments and feedback obtained during telephone interviews are simply referenced as the 'Case Study' using the name for that specific organisation, rather than a particular person.

The project did not include field-based research with organisations which means that the depth of evidence and insights are correspondingly constrained.

However, drafts of all new case studies were returned to each organisation for their feedback and correction of mistakes, before finalising for inclusion in the report.

3.1 CASE STUDY

ARNHEM LAND PROGRESS ABORIGINAL CORPORATION (ALPA):

BUILDING STABILITY AND SUCCESS THROUGH PURPOSE AND PERSEVERANCE

1. OVERVIEW OF THE ORGANISATION

ALPA is an Aboriginal corporation providing a wide range of retail and associated store services including fresh food, general merchandise and clothing to communities throughout the Top End of the Northern Territory and North Queensland. Since 2013, ALPA has expanded its operations to: take on the function of a Remote Jobs and Communities Provider (RJCP) offering employment, training and job services; provide accommodation with Rulku Lodge as a joint venture at Milingimbi; and operate a mechanic workshop, accommodation and homeland services at Ramingining as Dinybulu Regional Services.

Its role is to enhance the social and economic development of its Aboriginal members, giving primacy to their cultural heritage, dignity and desire for equality with their fellow Australians. ALPA emphasises effective performance, customer service, community well-being and nutrition, and Aboriginal staff development, training and education.

Prior to the 1970s, Yolgnu community stores were owned and operated by the Methodist Overseas Mission Church. ALPA was established as a co-operative in 1972 by the Church and Yolngu leaders as one way to further economic development goals for Yolngu, with the initial members being seven community stores at Warruwi, Gapuwiyak, Galiwin'ku, Milingimbi, Minjilang, Ramingining and Yirrkala. Warruwi and Yirrkala left ALPA in the 1980s as they believed they would be more successful on their own.

In 2008, ALPA found the *NT Associations Act* too restrictive for its growing services and initiatives, and transferred its incorporation status over to the Federal Government's *Corporations (Aboriginal and Torres Strait Islander) Act* (CATSI) *Act 2006.* It has a head office in Darwin.

Today ALPA is one of the oldest incorporated organisations in Australia, and 100% owned by the Aboriginal residents of its 5 member communities in Arnhem Land. All Directors on its 11 member governing Board and individual Store Committees are Aboriginal. In practice, all Aboriginal residents of the 5 communities are regarded as 'members'; the formal membership register typically lists some 1500 persons.

In addition to its own stores and associated businesses, ALPA manages additional stores (and 2 clubs) for their respective Indigenous owners. In 2012-13, the overall annual group turnover was of the order of $75 million spread across 18 trading businesses. Now with 24 stores in 2014, the annual turnover across the ALPA group is about $100 million. Actual ALPA revenue excluding managed businesses is about $65 million. The success of its retail and business ventures allows ALPA to be reasonably financially independent, not reliant on government funding or subsidies.

Not surprisingly, ALPA has been ranked second highest CATSI registered corporation by the Office of the Registrar of Indigenous Corporations (ORIC) in its publication of *Top 500 Aboriginal and Islander Corporations*, and has maintained its ranking in the top 5 since 2008-09.[1]

Apart from funds reinvested (either in trading or investing activities), surpluses are distributed to the community benevolent programs established and funded by ALPA, with or without additional funding support from other sources. Community benefit program areas include: funerals, ceremonies, education assistance, and approved community projects such as the Credit Advisory Program, Small Business Monitoring Program, Business Partnership Fund, Freight subsidisation, Youth Programs, and medical escort and emergencies.

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[1] ORIC ranks its Top 500 incorporated Aboriginal organisations across Australia according to their generated income, and then further analyses them in respect to their statutory compliance, employment, governance, gender representation and so on.

In 2011-12, ALPA had 428 employees across the group, 330 of whom were Aboriginal. In 2013-14, it had 722 employees, 596 of whom are Aboriginal (which "shows how much we have grown as a corporation over the past year" (D. Gondarra, ALPA Chairman's Report, *Annual Report* 2012-13). Most are permanent part-time. This makes ALPA one of the largest financially independent employers of Aboriginal people in Australia.

Given its longevity, sustained business viability and cultural credibility, there is much to be learnt from its governance experience and organisational resilience.

2. ALPA'S ORGANISATIONAL LIFE CYCLE

Like all organisations, ALPA has gone through several stages of growth and internal review. It appears to have been able to adapt to changing circumstances with flexibility and hard-headed decision-making.

Snapshot 1: The ALPA Life Cycle Timeline.

Facilitated Creation

1972 – ALPA created through the efforts of the Methodist Overseas Mission Church and Yolngu leaders, and incorporated under *The Northern Territory of Australia Association Incorporation Ordinance 1963* of 20th June 1972.

Early Establishment

1972 – Borrowed initial $1 million to upgrade store plant and equipment in 7 original community stores. Early successful operation enabled loan to be fully repaid within approx. three years.

1974 – Cyclone Tracey resulted in ALPA incurring debts as a result of need to do extensive repairs and additional service delivery to member communities (Chairman's Report 2012).

1970s – ALPA began to realise the importance of training and development for its staff, and with the support from the Queensland Retail Training Institute began a program of in-house training around store employment.

1970s – From its inception, ALPA supported a wide range of community initiatives and projects through provision of funds available from surpluses; including freight subsidies, medical, educational and small community projects.

Growth

1980s – Established a Yolngu nutrition policy and program for all its stores.

1982 – The Training School at Galiwin'ku built to support ALPA's in-house training program for Yolngu.

1988 – Established a small Family Enterprise Scheme out of which commenced seven commercial businesses within members communities. Also established a Business Partnership Fund to provide a credit advisory program, and support and training for new and existing Aboriginal-owned and operated family enterprises (eg; outstation stores).

1980s – Aboriginal community stores from outside ALPA began asking for assistance.

1980s – ALPA operated purchasing and administration out of an office in Winnellie, Darwin as it provided a greater range of services, access of providers, and lower employee costs.

Taking up Market Opportunities
1990s – ALPA responded to this demand by creating the *Australian Retail Consultants* as a separate unit of administration to assist stores outside the ALPA group of stores requiring short to medium assistance in improving or managing their business. Complementing this activity, the Australian Retail Technology unit was established to specialise in improving, installing and supporting retail technology in remote and regional locations.

1972-92 – Over this two decades, ALPA focused on debt reduction and building purpose-built retail premises for each community. With those built, APLA then increased its focused on improving Aboriginal employment within the stores, expanding the range of healthy foods, and its contribution to community well-being.

Strategic Coordination and Consolidation

1992 – The ALPA Board instructed its administration "to facilitate the coordination of the development of a credit union". This was to become the Traditional Credit Union.

By 1993 – ALPA "was a different organisation in the process of exploring its purpose and finding ways that best served its members in a very different society from its inception". It "had to diversify and change strategic services as its own population changed and members wanted different things…". It faced new forms of competition from other within communities as other small commercial business operators were established. As a consequence, ALPA needed to rethink its strategic business approach.

1993 – First Yolngu Chairperson, The Reverend Dr. D. Gondarra was elected by Aboriginal communities as their Chair of ALPA Board.

1995 – ALPA initiated and largely financed the establishment of the *Traditional Credit Union* in order to fill a major gap and provide banking facilities for members in remote Top End communities (Since its inception, the TCU has been independent of ALPA).

Reinvigoration
2000 onwards – Has been a period of more focused coordination for ALPA, commenced initially because of financial necessity owing to ALPA experiencing financial issues from broader market competition, and increased costs and operational costs. A more cost-efficient operating model was achieved by: implementing a tighter business and financial performance model; restructuring into operational 'departments' and staffing units; emphasising the need for improved staff performance; initiating annual strategic planning "as a response to both national political and economic trends"; resolving to rotate holding Board meetings in communities rather than in Darwin; and by reassessing the changing services and initiatives desired by community members.

2000 – ALPA signed a partnership MOU with Coles Supermarket to provide access to backup training and sharing of knowledge about retail. Also in the early days of the partnership, Coles provided store fixtures and shelving for stores that could not afford that infrastructure.

2001 – Created an *Investment Committee* to provide independent expert financial and investment risk management advice to Board and CEO.

2001 – ALPA established Store Committees of Yolngu community members in each of its Community Stores.

2000-02 – With a couple of years of high operating costs, ALPA experienced difficulties in being able to distribute funds to community initiatives and activities.

2003 – ALPA recommenced distribution of surpluses to what it then began calling its "benevolent programs". Whilst the 'umbrella term' "community benevolent programs" was first used in this period, in fact ALPA had been funding such activities since the 1970s.

Diversification

2006 – Employed a *nutritionist* and developed several innovative 'healthy food' projects to better inform its store purchase policy and support family well-being and nutrition outcomes; Subsidies on fruit and vegetables gradually increased to provide incentives to community members to healthier consumption patterns.

2006 – ALPA gained certification as a *Registered Training Organisation* (RTO) in order to improve training delivery and outcomes in their member communities. As a RTO, it offered nationally accredited certificate level qualifications in retail operations to provide further benefits to its members and employees to deliver workplace English language and literacy (WELL) program, mentoring, workplace health and safety, food safety, health and nutrition, and IT skills, Yolgnu workplace development management training.

2008 – ALPA moved from the *NT Association Act* to the Federal Government's *Corporations (Aboriginal and Torres Strait Islander) Act* (CATSI Act) 2006.

2012 – In partnership with the Australian Institute of Company Directors, held an Indigenous governance workshop for senior Directors and chairpersons of Indigenous corporations from across the NT.

2013 – Tendered for the RJCP contract at Ramingining and Milingimbi – because Yolngu felt disappointed by poor efforts of previous contractors

2014 – In addition to 5 communities, ALPA currently owns 9 stores in North Queensland where it trades as a separately incorporated business known as *Island and Cape* Retail Enterprises Pty Ltd (ALPA is its sole shareholder)

It also operates 11 other community stores on behalf of client organisations (and uses *Australian Retail Consultants* for one-off or ad hoc work. All management agreements with clients or 'consulting' stores are done under the ALPA name, though their stores retain their own identity and are not branded as ALPA).ALPA continues to diversify its business portfolio, with an online shopping website under development and being trialed in four of its community stores.

A second store is being built at Galiwin'ku to serve a new suburb and provide commercial tenancies for local micro-enterprises.

Australian Retail Technology today provides technical support and installation to stores and businesses at more than 65 remote sites across Australia.

Over the 2012-13 financial year, ALPA invested back $7.166 million into communities by way of capital upgrades, maintenance, local employment and raining, benevolent programs and community sponsorships. In 2014, it invested back surpluses of $7.956 million into such activities.

Over the 2013-14 financial year ALPA generated a total income of $45 million (excluding managed businesses, i.e., 'consulting stores', Cape and Island, Dinybulu, Rulku Lodge as they are considered to be separate entities) and maintained assets worth $49 million through the provision of community stores.

3. A NETWORKED STRUCTURE

Over a period of 40 years, ALPA has developed and refined a networked structure to carry out its functions across a remote region of the NT, with connections spreading out to other regions.

What this means is that its governance, administration, management, and decision-making roles and responsibilities are distributed across the layers of the network, extending from its central office in Darwin, to its decentralised Board members living in their own communities, and the community stores and their committees (see Diagram 1).

ALPA has its administrative and financial hub in Darwin where a large number of its senior staff live. Its day-to-day business is managed under a CEO, with a Chief Financial Officer and three General Managers with separate operational divisions under them. The managers are responsible for: Operations and Business Development (retail), Enterprise and Training (non-retail) and Cape (the separate Cape York and TSI business).

The Divisions include:

- Store Retail Operations/Business Development
- Accounting and Finance
- Human Resources
- Information Technology
- Health and Nutrition
- Training (now including the *Remote Jobs and Community Program* (RJCP).

Each of the five ALPA community stores has a locally-based manager and staff, with a Store Committee of local Aboriginal representatives. Store managers work with a reasonable degree of local autonomy, within the parameters (such as internal price controls, supplier preferences and purchasing procedures) that have been set by central office and informed the Board's policy guidelines.

Within those overall parameters, store managers have decision-making authority in conjunction with their Store Committees. Store managers can employ local staff in consultation with local Yolngu 'supervisors', as a way of trying to ensure that store jobs are spread across different families in each community. Store managers report back to the central office, and to their community members through committee meetings, local meetings, newsletters, radio etc.

4. NETWORKED GOVERNANCE

ALPA's governance is networked so as to enable the dispersed communities to have representation, voice and participation. This operates in conjunction with a streamlined centralised administration.

This is not the usual 'hub and spokes' model. It is more innovative in that authority and responsibility for specific components of ALPA's governing roles and decision-making responsibilities are spread across the structure — from the dispersed Board members, the CEO and Program heads, down to community Store Committees.

ALPA has a Board of 11 Directors who are recognised as local leaders in the five member communities who select 2 Directors for each board (being a community member representative and a traditional landowner representative). The traditional owner representatives are selected by the landowners of that region, and the community representatives through the Store Committees which generally constitute a cross-section of members of the entire community.

Directors' terms are 2 years, which may be extended through reselection. All Directors' positions are reaffirmed at each AGM. The Board makes overall policy guidelines for ALPA and sets its strategic direction and future goals.

It is important to note that there is great stability of ALPA Board membership with many Directors having served on the Board for considerable periods. For example, the current

Chairman has occupied that position 22 years. The Chair position is paid an annual salary; the Deputy Chair is paid per meeting or assignment.

Board meetings are held quarterly and rotated between the 5 member communities. Directors are paid sitting fees for their input and expertise. In the financial year to April 2011, Directors attendance exceeded 80%. This has remained stable for several years and is an important indicator of the Directors sustained engagement in their ALPA roles. An Aboriginal Community Liaison Officer and Staff Cultural Mentor also attend Board meetings.

There are no non-Aboriginal Directors. The Board and CEO have, however, established an Investment Committee (created in 2001) on which sit external business and finance experts with the function of providing the Board with independent investment advice and risk management assessment. The Investment Committee meets the week before every Board meeting so that its analyses can inform the Directors' decision-making.

The Store Committees have 6 local Aboriginal representatives who serve as a non-paid consultative and advisory body. Their activities are governed by formal guidelines developed by the Board and senior management, and documented in ALPA's Annual Report. The Store Committees provide advice and feedback to the store management team, and serve as conduits for community feedback on stores services.

Under ALPA's community benefit program, each of the five communities operates its own Community Benefit Fund (*Molu Rrupiya Gungayunamirr*) which contains a percentage of ALPA store surplus distributed back to the community. The overarching policy guidelines and broad purposes for the CBF are set by the ALPA Board, and those apply to all five community Funds (e.g., the guidelines specially exclude the purchase of vehicles). The influential local role of making decisions about requests submitted by residents for access to funds from the CBF has been devolved to the Store Committees in each community.

5. SUCCESSION

As part of the Board's succession planning, several years ago ALPA established an Associate Director's Program for young Aboriginal leaders. Under the program, 2-3 local Yolngu people take up the position of Associate Directors, and receive support from the Board's Directors to understand meeting protocols and content. Associate Directors are encouraged to participate in all Board meeting activities and discussions, although they have no voting rights.

At a more fundamental inter-generational level, one of ALPA's benevolent programs is to support the children of community members who have chosen to pursue higher level academic qualifications outside their home community. ALPA supported 2 directly in 2013, as well as a Foundation that looks after an additional 6 Yolngu students.

6. CHALLENGES: PAST AND PRESENT

ALPA grew out of a process sponsored by the church, and over four decades has become independent and successful in its business endeavours. To remain effective over such a long period of time, the organisation has had to face many challenges and come up with innovative ways of dealing with risks and problems, not all of which have been under its direct control.

ALPA members and governing leaders reside in dispersed, remote communities of Arnhem Land that are generally marked by high levels of unemployment and welfare reliance, poor health, low levels of English and financial literacy (the average educational level in East Arnhem is Year 9 or lower), and a diverse but strong culturally-based Aboriginal way of life.

This presents challenges on several fronts, and results in high costs and workload of doing business. Major challenges with implications for governance effectiveness and resilience have been (quoting from the ALPA website):

6.1 Balancing Commercial and Cultural Priorities

> *"… to operate successfully and on a commercial basis, over four decades, in open market trading in an environment of remote and high cost locations whilst generating surpluses and employment for our members and initiating and undertaking community benevolent activities".*

6.2 Employment and Staffing

> *"… succeeding and building Indigenous staff capacity in a welfare-dominant environment…. ALPA competes without subsidisation in a free market environment. Most stores have some competition in host communities, and shoppers can access alternative retail outlets in other locations or on line."*

6.3 Cultural and HR

> *"As perhaps the Northern Territory's largest private employer of indigenous people in their home communities, it is critical that conditions of employment and management of staff accord with cultural requirements on each community"*

6.4 Training and Capacity

> *"Developing staff capacity is an ongoing major priority. We have always stressed the importance of training, both as a Registered Training Organisation (again, competing in the open market for funds and clients), and as a means of ensuring that our Aboriginal staff are equipped to work with market-leading in-store systems with little or reduced supervision".*

6.5 Aboriginalisation

> **"***In the past ALPA has had Indigenous managers. Although ALPA can teach the required skills, we are not able to provide the necessary cultural authority. This, coupled with cultural and family obligations, creates enormous pressure for our Indigenous managers making it difficult for them to choose store management as a career. The ALPA board has decided that until these cultural barriers can be overcome, ALPA would continue to seek managers from outside its cultural base when necessary. ALPA is committed to an evolving Indigenous management program".*
>
> *In 2003 the Chairman answered the question this way: "We employ Balanda management because we need their skills and experience. They work for us. They answer to us. They share our commitment and our vision for a successful Yolŋu enterprise. We don't see this as a 'Yolŋu and Balanda' issue. Balanda are part of the ALPA family".*
>
> *"ALPA has a proactive policy of employing Yolŋu staff, but in the main, Yolŋu do not want to live and work in Darwin where the majority of senior staff live". (ALPA website)*

7. INGREDIENTS IN ALPA'S LONGEVITY AND EFFECTIVENESS

To survive, succeed and maintain community credibility and support over four decades is a major success. To achieve that resilience ALPA has had to periodically reassess where it is at, and design ways to rejuvenate the organisational structure, service focus and business model. It seems to have been able to respond effectively, at critical times in its organisational life cycle.

Several key ingredients have contributed to ALPA's ability to adapt and revitalise itself when needed. These include:

7.1 A sustained commitment to core values and vision

"ALPA has responded to change with purpose and direction" (Chairman quoted in ALPA Annual Report 2012-13: 13). The capacity to adapt and respond has been critical to the organisation's survival. But as the ALPA Chairman notes, that capacity has been based on a continuing underlying purpose and direction; namely, a sustained commitment to stay true to the organisation's founding vision, identity and core values of contributing to Yolngu *self-determined* aspirations, well-being and economic independence.

> *"… the law, social frameworks and economics of Yolngu culture are the backbone of*

> *ALPA's identity" … the challenge…is one of ever diligence in controlling costs while remaining focused to our purpose … ALPA has grown a vision and purpose and direction for forty years now. It has the capacity to support the aspirations of many of its members who themselves have embarked on their own journey"* (Chairman, quoted in Annual Report 2012-13: 13).

The importance of that shared vision is constantly reiterated in ALPA's annual reports and newsletters, from its earliest days.

What this means is that whenever new solutions or adaptations are needed, they have to pass the test of being assessed against whether they will positively contribute to, or undermine, that core identity and goals. This has given the organisation a very strong foundation-stone from which to make tough decisions and choices.

7.2 A Strong internal culture within the organisation

The Board and management appear to have worked hard to translate the organisation's vision and purpose into a positive internal culture for staff. The 'internal organisational culture' is one which values both Yolngu cultural priorities *and* economic success, and so consistently seeks to find workable accommodations between culture and commerce. This is not an easy thing to achieve:

> *[ALPA] has become a contemporary business underpinned and driven by Yolngu aspirations; quite a balancing act that will only become harder with time"* (Chairman; quoted in Annual Report 2012-13: 14).

But ALPA has been persistent in developing this internal culture, and trying out innovative solutions based upon it; which has stood the organisation in good stead.

The internal culture of ALPA also actively encourages individual commitment to standards of service delivery and work performance, and affirms the importance of maintaining good relationships and open communication between the Board, staff and communities.

ALPA prides itself on valuing the professional performance of its staff and Board members alike. It maintains a close scrutiny of staff performance and has rigorous HR procedures to ensure that poorly performing people are transitioned out of the business:

> *"It is refreshing to be part of an organisation that values performance and has a culture of putting in, of everyone contributing".*

7.3 Stability in the board and senior management

High turnover rates of staff (both Aboriginal and non-Aboriginal, though for different reasons) are common in Aboriginal communities and organisations.

ALPA has had its own share of churning of staff, especially managers and staff of stores. Several years ago, ALPA put concerted effort into turning this around. It increased its staff training, provided cultural mentoring for store managers, and addressed workplace relationships and communications issues.

ALPA is an organisation with a rare characteristic: namely, stability amongst its Board and key senior managers. It has worked with deliberation to build that stability. For example, in 2008, the average period of ALPA work experience of its managers in stores was 17 months; now it is 37 months experience on average. Similarly, in 2008, the turnover of Aboriginal staff was extremely high (estimated at over 160 per cent; though that included longer periods of cultural leave to attend ceremony). Today it is 22 per cent; in line with mainstream Australian retailers. That improvement has been put down to better management training and support systems, and mentoring to build more culturally-aware management.

The current Chairman of the Board has occupied that position for over 20 years. Several other board members are long-standing. The current CEO has been in that position with ALPA for 13 years, and two years before that as its Operations Manager; so he has had 15 years of continuous service with the organisation. The Chief Financial Officer has been with

ALPA for 15 years, and the second in charge Financial Officer for 18 years. One long-serving Training Officer has been employed for 36 years, and two other Managers for over 19 years.

This kind of stability is uncommon in any organisation let alone in remote Aboriginal communities where the more common condition is a frequent turnover of CEOs and staff, and all the associated upheaval, loss of corporate knowledge and valued relationships. Organisations can also experience a high turnover of board members which can undermine confidence amongst staff, community members and external stakeholders.

In particular, the long tenure of the current CEO and Chairman has created a very close relationship characterised by a high level of mutual trust, respect and open communication. This close relationship is an important factor in ALPA's ongoing effectiveness. Again, it is a rarity in Aboriginal organisations which more often seem to experience a fractious mistrustful relationship between their CEO and Board members.

From a different perspective, there are potential downside risks of *too much* stability; for example, an organisation may begin to stick to its 'comfort zone' and so find itself unprepared for crises, unable to adapt to changing circumstances, or take on new opportunities.

ALPA has initiated several initiatives to secure a balance between stability and renewal. For example, the organisation engages in annual strategic planning with the Board, thereby allowing projects and future goals to be reviewed in light of actual performance and outcomes over the year. There is also a robust approach to reviewing financial risk, making tough commercial decisions, and initiating changes based on risk assessments and financial bottom lines.

As part of its overall strategy to employ and retain high-quality staff, ALPA has developed a rigorous process for the recruitment of managers and other senior staff.

ALPA has resisted employing non-Aboriginal people just because they are already locally resident in communities and so 'easily available' (eg; the partners of people already employed in the community, and so having housing). Professional skills and expertise count more than simply having 'bush' experience in remote communities when that is not backed up by demonstrated skills and capacity.

Staff positions are advertised widely outside of the NT, candidates proceed through an intensive vetting and interview procedure which includes meeting and being assessed by the Board, visiting one of the communities and stores, and participating in a debriefing of their preliminary experience. Once hired, staff must then go through a probation period for 6 months. Yearly performance reviews are carried out for all management; and the performance of the CEO and CFO are reviewed by the Board.

The organisation also has a long-established policy of moving store managers between communities every couple of years in order to encourage the renewal of ideas in stores through fresh perspectives, and to ensure a degree of "professional distance" where managers do not get too entangled in community politics or biased in their local relationships.

7.4 Building board governance

Some Aboriginal boards have high cultural legitimacy but are poorly equipped in respect to their financial governance and policy leadership which can be impaired by low levels of English education and literacy.

From its inception, ALPA has sought to respect both Yolngu and Australian law and values within its governance arrangements and operation. In order to build confidence and capacity in that approach, it provides cross-cultural mentoring to non-Yolngu staff, and a range of governance and financial training to Board members.

> *"ALPA's governance is supported by two bodies of law, contemporary and traditional.*
> *The Directors are all strong in law and culture have, over many years explored and utilized the legal and economic parallels that exist between corporate governance and*

> *their own traditional legal structures. The process strengthens both and underpins ALPA's foundation" (ALPA History, ALPA Website).*

ALPA appears to have a well-supported and well-informed Board. Board meetings occur four times per year and, where possible, are rotated through the communities in order to ensure all community members have a chance to see the Board at work and to air local issues. Board meetings are deliberately not rushed – they are spread over 3 days and local *Yolngu Matha* language speakers are used to facilitate communication and discussion. Key business/financial terms and complex concepts are translated into Yolngu language.

This approach means more work for ALPA staff and an associated increase in costs to support longer meetings, but it pays dividends in building the governance and decision-making confidence and capacity of Board members who need to understand complex financial and investment information.

The Board is involved in strategic planning every December to review progress and update goals. Included in that planning day is 'visioning' about the broader future and goals: "Retail is the work of ALPA, not the heart of ALPA. That is benevolent work helping Yolngu people".

In line with its approach to being proactive, ALPA management has initiated an arrangement with the Australian Institute of Company Directors to put its Board members through a customised governance training program. This training is hard work, but members are actively supported and encouraged by ALPA, receiving a certificate upon completion. Through its in-house Registered Training Organisation, ALPA has also developed its own training to provide visual tools and Yolngu-translated explanations of financial concepts, profit and loss statements, and budget planning. This methodology, or 'money story,' is in demand by a number of other external Aboriginal client organisations (from ALPA website).

> *"It [Governance] works extremely well, because governance and governance capacity have always received top priority, resulting in ALPA being arguably one of the best governed wholly indigenous organisations in Australia".*

ALPA highly values the governing role and cultural leadership of its Board Directors and so pays them a market competitive rate, as the equivalent of a salaried sitting fee:

> *"They are doing a big job, and bringing skills and experience with them, so they should get paid decent money to do that work. And they work hard".*

The Board has remained entirely Yolngu, and does not include external or ex-officio members on the bases that non-Aboriginal experts inevitably tend to take over the conversation and running of meetings, whereupon Yolngu people may stay silent.

ALPA's solution has been to secure the additional financial and business expertise and advice needed by the Board, by creating a separate Investment Committee on which the Deputy Chair of the Board and the CEO sit, along with two independent experts. The Board uses "the Investment Committee's advice to grow a stronger more diversified ALPA" (ALPA Chairman).

7.5 A realistic but sustained commitment to Yolngu employment and training

Across Australia, low levels of literacy and workforce participation, along with different culturally-based work priorities and values are common factors contributing to an often erratic engagement by Aboriginal people in paid work.

Acknowledging the legitimacy of Yolngu work priorities, ALPA "is comfortable with the cultural demands placed on Yolngu that may take them away from regular attendance in their work as store employees". Rather than fight against this culturally-informed prioritisation, or insist on enforcing the routines and timeframes of a western capitalist work ethic, with the encouragement of its Board and CEO, ALPA has responded by "creating work conditions that suit [Yolngu] life and priorities. That means adopting the 'home rules'".

In other words, ALPA has actively responded to the need to align store work requirements with Yolngu cultural expectations by taking into account Yolngu rules and preferences about how people should talk to each other, how orders and information should be communicated, and how senior people within the workforce (e.g., managers) should treat more junior people (e.g., staff).

In addition, ALPA developed an employment strategy of building a bigger pool of employees than it actually needs. Out of 600 part-time employees on the books, it secures 250 full-time equivalents.

ALPA has taken the goal of Yolngu employment seriously. By setting itself up as an RTO, and then developing customised training programs for a wide range of employment and workplace skills, it has achieved a 90% Yolngu workforce in the community stores.

To do this, APLA has put effort into identifying and rectifying issues that act as disincentives to Yolngu employment and retention in its stores and community programs. For example, in 2008, a Board Facilitator was placed in one of its stores to identify flash points of tension and miscommunication between staff and management.

That simple but innovative process led to an enhanced understanding of how Yolngu culturally-based relationships were influencing the ‘chain of command’ amongst Yolngu staff in the store, and their expectations of how management should properly behave towards and communicate with them (e.g., not micro-managing, not yelling, not shaming people publicly by communicating instructions through/to ‘wrong’ person in kinship terms. Yolngu staff equated the store with a ceremonial ground, and thus wished to have clearly identified roles, mutual responsibility, and layered chains of authority). These insights were integrated into revisions of policy and guidelines for workplace behavior in stores, and in induction training for all new store staff and management.

7.6 Hard-headed financial planning and review

Financial governance and business success is demanding for any organisation or group, let alone one that covers multiple remote communities.

Over its history, ALPA has met this challenge by initiating several periods of hard-headed internal self-reassessment of its financial operations and viability when it has needed to tighten it belt. As a business, ALPA has had to return several times to increased diligence in controlling the costs of its operations, while remaining focused on its mission and goals.

The success of its retail business has allowed ALPA to be financially independent; not reliant on government funding or subsidies. This has given it greater flexibility in planning and making decisions about future directions.

7.7 Taking up new opportunities: A flexible, careful approach

Strategically identifying market opportunities and then incubating businesses models has been a hallmark of ALPA’s operation over several decades. Generally it has adopted a cautious approach to this with an emphasis on retaining flexibility of options; periodically assessing the extent of risks and refining its business structure and strategies accordingly. For example:

> *“The accumulated remote retail expertise acquired by ALPA with retail management, retail technology and training now produce income streams by providing these services on the open market”* (Chairman quoted in Annual Report 2012-13: 13).

ALPA has tested out different models for its network of business relationships. The ‘core relationship’ so to speak – that having tighter management, policy and financial linkages – is that between the Darwin office, Board, 5 community stores, and the Australian Retail Consultants (ARC) and Australian Retail Technology (ART) (see above). For example, ARC and ART share the same business ABN as ALPA, to keep them within ALPA’s financial oversight. Other incubated initiatives such as Island and Cape, and Dinybulu Regional Services are discrete businesses with their own ABN and so bear their own risk, but have ALPA as their sole shareholder.

7.10 Preparedness to call upon external expertise

When needed, ALPA has been ready to call experts onto committees, form partnerships and MOUs with influential stakeholders in the private sector, NGOs and government (for example, with Coles, the Menzies School of Health, Swinburne University, William Angliss, Ramvek).

> *"ALPA enjoys the fruits of having patiently developed mutually beneficial long-term relationships with suppliers, transport agencies, government and the community at large: as such, external disputation is extremely rare."*

Once it had identified the need to transfer to the Australian Government's system of incorporation under the Office of the Registrar of Indigenous Corporations (ORIC) and the CATSI Act, it produced a new 'rule book' for the corporation and its members, and accessed ORIC's training programs and other services.

8. SOME FUTURE CHALLENGES

ALPA has identified some areas of future risk which it is responding to with strategic planning, and at Board and management levels. It continues to emphasise that

> *"ALPA can not think of itself in isolation"…. "the expansion of workforce development strategies is the next critical priority – to get more Yolngu managers".*

8.1 The challenges of success

> *"A big future challenge is not trying to do everything. We are getting 2-3 phone calls a month to do other people's stuff. Success has its own challenges and risks. It could be easy to take on too much so that core business gets lost. So now we are really doing due diligence to make sure we only take on things that are financially viable and fit with our vision. We've got to be able to walk away from failing ventures without risks to our core organisation".*

8.2 Succession planning

> *"Engaging youth is a priority – several stores have school-based apprenticeships and work-experience programs in place*".
>
> *"This will need to be carefully planned and transitions of key staff really planned well. Otherwise when senior people leave it could really undermine the organisation. Succession planning will be a critical challenge".*

That also means the Board will need to be confident in its own governing capacity (collectively and individually) in order to remain in control of key transitions, and the overall vision and direction of ALPA, when new non-Aboriginal CEO and/or senior managers come into the organisation.

Reference Sources:

- Phone Interview with Michael Nemarich, General Manager, Operations and Business Development, ALPA.
- ALPA Website. www.alpa.asn.au
- ALPA Annual Reports, AGM Reports, Newsletters
- ORIC Top 500 Reports

3.2 CASE STUDY

THE ABORIGINAL MEDICAL SERVICES ALLIANCE OF THE NORTHERN TERRITORY (AMSANT):

BUILDING RESILIENCE AND PERFORMANCE

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1. OVERVIEW OF THE ORGANISATION

The Aboriginal Medical Service Alliance of the Northern Territory (AMSANT) is a peak organisation representing the interests of 26 member Aboriginal Medical Services across the NT. It was created in 1994 to support and strengthen community controlled heath services and delivery, focusing on the provision of high quality comprehensive primary health care for NT Aboriginal communities.

AMSANT set itself substantial aims to improve the health of Aboriginal people in the Northern Territory through promoting and extending the principle of local Aboriginal community control over primary health care services. The details are contained in the AMSANT Constitution which sets out the following objectives:

- *To alleviate the sickness, suffering and disadvantage, and to promote the health and well-being of Aboriginal people of the NT through the delivery of health services and the promotion of research into causes and remedies for illness and ailment found within the Aboriginal population of the NT;*

- *To promote 'Primary Health Care' which means essential health care based on practical, scientifically sound and socially acceptable methods and technologies which address the main health problems in the community through preventive, curative, and rehabilitative services. It involves the treatment and prevention of disease and injury and the creation of the circumstances for personal and social well-being. Such services shall be universally accessible to individuals and families in the community who, through properly elected representatives, control decision-making and service delivery in the spirit of self-reliance and self-determination. In the absence of control the community should exercise maximum participation in decision making and service delivery.*

- *To serve as a peak body and a forum for the Aboriginal Medical Services in the Northern Territory;*

- *To lobby for positive changes to the status of the health of Aboriginal people of the Northern Territory and Australia generally;*

- *To advocate for Aboriginal self determination and community control;*

- *To represent its Members and Associate Members at any committees, forums, conferences, meetings, inquiries, commissions, seminars, or negotiations directly or indirectly relating to Aboriginal health, and to report back to its Members and Associate Members in respect of such representation;*

- *To assist Aboriginal groups, including Associate Members, wishing to establish Aboriginal Medical Services to incorporate and to obtain direct* *funding as Aboriginal Medical Services in their own right either in areas of the Northern Territory currently without health services or with health services which are not Aboriginal Medical Services;*

- *To assist Aboriginal communities which do not control their health services to expand their participation in determining the policies and priorities of the health services that they do receive;*
- *To provide a voice on any issue which affects the health and well-being of Aboriginal people represented through the Association including health services, land, self-determination, economic development and environmental health*

In a sector where there statistics indicate entrenched poor health amongst Territory Aboriginal people, and where there are multiple service providers and stakeholders, specialist practice demands, and high costs associated with remote delivery, AMSANT has had to develop innovative governing structures and strategies to support a coordinated approach to securing improved outcomes.

2. AN INCORPORATED SECTOR ALLIANCE OF ORGANISATIONS

During the 1970s and 1980s, there were strong links between the NT members of NAIHO (the National Aboriginal and Islander Health Organisations, the forerunner of today's NACCHO), and several meetings were held in Central Australia of the region's community controlled services.

They agreed to establish AMSANT in October 1994 as a peak representative body incorporated under NT legislation. Since then, AMSANT has acted as an advocate at NT and Australian Government levels concerning:

- government policy and adequacy of funding;
- improvements needed to the administrative arrangements for Aboriginal primary health care; and
- the development of self-determined corporate health governance and service-delivery standards amongst its constituent medical services.

Many of AMSANT's 26 medical centres are well-established organisations; some having been in operation for over four decades. They have been through many structural, political, funding, policy and governance changes over that time, but the alliance has remained strong and AMSANT has continued to be at the cutting edge of health advocacy and service innovation.

3. PEAK GOVERNANCE – A UNIQUE CEO MODEL

AMSANT has a unique peak governance model that consists of a CEO-based board at the peak level with constituent members having diverse Aboriginal representative boards s/elected from their surrounding areas.

This model has been developed in response to several factors including: the different governance structures amongst its organisational members; the clinical health sector expertise and knowledge needed to govern such a peak body; and being able to draw on the strong grass-roots engagement with Aboriginal communities and residents by its community-controlled centres.

The overall model basically has different modes of board membership at different organisational layers.

The 26 medical centres are the 'members' of AMSANT. They constitute the bases for securing representation onto the AMSANT Board. The member medical centres are geographically dispersed across the NT. Some are incorporated as organisations under NT legislation; with the majority under the Australian Government's *CATSI Act*. Through their particular incorporation arrangements, each centre has its own governing board structure, policies and procedures.

For AMSANT's purposes, some member centres provide the full suite of primary health care services and so are classed as "Full Members". Others are smaller and deliver a subset of services. They are classed as "Associate Members".

Full and Associate Members attend AMSANT General Meetings which are currently held four times a year (this frequency may be reduced to three in the near future owing to funding cuts and the cost of holding the meetings). These General Meetings provide a forum for members to network with each other, discuss current health issues, and provide input into AMSANT policies and strategic thinking.

At the moment, all 26 member organisations may have a representative sit on the AMSANT board. But only the representatives from Full Member organisations have voting rights.

Importantly, the representative onto the AMSANT peak board from each medical centre is the CEO, not one of the centre's own board members or a community resident. Those CEOs are already working in a close relationship with their own medical centre boards, and so are embedded within the governance arrangements and local community issues of those organisations, as well as within the clinics themselves. They bring this knowledge onto the AMSANT peak board and, in turn, report back to their own medical centre boards on matters that may require local discussion, decision-making or action.

This CEO-board model is a deliberate strategy to ensure that as a peak body working in the highly specialist Aboriginal health sector, AMSANT has people as Directors who have detailed knowledge of continuous quality improvement standards, latest health practice and policy trends, the complexities of primary care service-delivery, as well as experience in the administration and clinical governance of those.

This strategy seems to have worked well for the peak body, giving it an experienced Board of Directors who have an understanding of the big-picture policy, funding and political issues in the health sector, as well as the day-to-day health issues being encountered by each of the medical centres, their clients and communities.

To this extent, the Aboriginal health sector seems to have specialist needs addressed in respect to governance capabilities for a peak body such as AMSANT. The more standard 'community-based model' of board membership that is seen in many local organisations might not as easily be able to provide such technical health expertise to AMSANT Board positions.

5. INGREDIENTS IN AMSANT'S RESILIENCE AND PERFORMANCE

AMSANT has built considerable resilience and a high standard of performance in the face of an often rapidly changing wider policy, political and funding environment. Several factors have noticeably contributed to that.

5.1 A strong 'internal' culture

A critical factor has been the positive internal culture that has been deliberately fostered within the organisation. The CEO, Board and senior management have taken a strong leadership role in actively building an organisational culture based on "our ethos of 'family'".

Staff are encouraged to feel they are part of "the AMSANT family" (CEO, Annual Report 2013:9) and the CEO reinforces the values associated with that: i.e., "of everyone working together, respecting each other, being honest and supportive with each other".

5.2 A respected, effective board and management

Another factor is that the Board of Directors are seen to have the considerable expertise and experience to do a high-quality leadership job on behalf of the organisation and its members.

Furthermore, the CEO is seen to have an inclusive consultative style of management, and encourages staff confidence in undertaking delegated areas of important work.

5.3 Strong staff performance

in AMSANT has been able to attract and retain a high calibre of staff across the organisation, and to generate a strong sense of dedication and loyalty amongst them.

AMSANT has done this by investing heavily in on-the-job training and mentoring of staff, providing specialist training programs for health workers, and convening professional development workshops.

As a consequence there is considerable stability in the length of employment of some staff. Even senior staff who have recently left the organisation "have a commitment to provide ongoing support to the organisation with both corporate memories and continued intellectual input to us" (Annual Report 2012:9).

Like many other organisations, AMSANT has a strong commitment to building the capacity of Aboriginal staff to move into more senior positions. But it has taken this commitment seriously by providing mentored access for Aboriginal staff to high-level decision-making forums, and operating an in-house Leadership Strategic Planning Unit that supports new and emerging leaders within the peak body and its member centres.

The AMSANT Leadership program aims to build

> *the capacity of tomorrows' leaders today, through the development of skills, networking and confidence, and the promotion of cultural security in the workplace. The program is built on principles of respect, inclusiveness, diversity and ownership. The program promotes two-way learning, and seeks to empower participants to become leaders in the Aboriginal community controlled health sector*.

This 'human capacity investment' has stood AMSANT in good stead when senior staff have left and it has had to address transition issues. The intensive (often one-to-one) mentoring and support given to emerging leaders over several years has meant that Aboriginal staff have been able to more smoothly step into vacant positions. This is uncommon in many other organisations who experience substantial problems in transitioning of staff.

So when key staff do leave, when workload pressures increase, and when the external policy or funding environment changes abruptly, individual staff and the organisation as a whole are able to adaptively deal with those transitions and changes.

This is an extremely important quality for any organisation, especially Aboriginal ones working in a hotly contested, under-resourced environment.

6. FUTURE CHALLENGES

6.1 Regionalisation

In recent years AMSANT has advocated the need to facilitate "the development of new regionalised Aboriginal Community Controlled Health Services" (Annual Report 2012:14).

At a November 2012 Annual General Meeting, the membership reaffirmed that the development of regionalised health services remains core business and a highest priority for AMSANT.

Initially this policy initiative was funded by the Expanding Health Service Delivery Initiative; a joint program under the NT Aboriginal Health Forum in collaboration with AMSANT and OATSIH. However, as is often the case, funding concluded at the end of 2011-12 which has meant the initiative has been hampered by "limited and uncertain funding and no capacity in the Top End" (Annual report 2012:14).

Clearly, while regionalisation of health (and other) services has been shown to produce benefits to service delivery efficiency and administrative cost effectiveness, it also requires significant upfront funding and human resources during the initial establishment phase. And once established, there are ongoing costs associated with such things as running regional meetings, and wider consultation and communication functions, as those inevitably become part of governance processes and structures.

6.2 Imposed Governance Renewal

In recent months, the AMSANT board has taken up the challenge posed by current Australian Government funding changes which now require Indigenous organisations in receipt of more than $500,000 annually to incorporate under the CATSI Act.

This is likely to be the case for the peak body, and so it has been developing a new Rule Book and Constitution as part of its potential registration under ORIC, the agency administering the CATSI Act, as well as discussing at its AGM the potential governance changes that may be involved.

For example, AMSANT would have a Board of 12, nine of whom would come from Full Members and another three positions would likely be independent and skills-based (such as in financial, public health, policy, health evaluation). Staggered terms are also being considered to ensure there that some Directors who have corporate knowledge and experience are on AMSANT's board when new representatives come on.

These changes have been imposed as a result of significant changes to government policy and funding frameworks, and will effect organisations across the country. AMSANT's approach is to be proactive in order to ensure they design governance arrangements that still fit their members needs and priorities. It does highlight however, the ongoing challenge to Aboriginal self-determined governance arrangements as a result of unilateral changes imposed by governments.

Reference Sources:

- Phone Interview with John Patterson, CEO AMSANT
- AMSANT website www.amsant.org.au
- AMSANT Annual report and document
- https://www.youtube.com/watch?v=yHm7wETdXw8 [Formation of AMSANT; 20th anniversary]

3.3 CASE STUDY

ABORIGINAL PEAK ORGANISATIONS NORTHERN TERRITORY:

GOVERNANCE IN A NON-INCORPORATED ALLIANCE

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1. OVERVIEW OF THE ALLIANCE

Formed in October 2010, the Aboriginal Peak Organisations of the Northern Territory (APONT) is an alliance comprising the Central Land Council (CLC), Northern Land Council (NLC), North Australian Aboriginal Justice Agency (NAAJA), Central Australian Aboriginal Legal Aid Service (CAALAS) and the Aboriginal Medical Services Alliance of the NT (AMSANT). These organisations range from being statutory bodies established via specific legislation, through to incorporated organisations, companies and peak bodies.

The abolition of ATSIC in 2004 silenced an important Aboriginal voice, both in the Northern Territory and nationally, and acted as a catalyst amongst key organisations who recognised the need for a rejuvenated and united Aboriginal voice in the Territory.

APONT's commitment is to:

- *provide a more effective response to key issues of joint interest and concern affecting Aboriginal people in the Northern Territory, including through advocating constructive policy solutions on critical issues facing Aboriginal and to influence the work of the Australian and Northern Territory Governments;*

- *provide a representative voice for NT Aboriginal people and to enable effective communication and information distribution between and within communities and Aboriginal organisations;*

- *increase Aboriginal involvement in policy development and implementation, and to expanding opportunities for Aboriginal community control; and*

- *strength networks between peak Aboriginal organisations and smaller regional Aboriginal organisations in the NT*.

As an alliance of extremely influential Aboriginal organisations, APONT is uniquely positioned to bring considerable expertise across several important Aboriginal Affairs 'portfolio areas' in order to strategically target advocate and propose solutions on big policy, jurisdictional, service delivery and funding issues for the NT as a whole. Indeed its contribution in several of those issues has extended to national levels.

To date, APONT has convened Aboriginal forums and summits, and made submissions to governments on issues of alcohol and substance abuse, governance, land, law and justice, health, housing, local government, education, and developed practice principles on the role of non-Aboriginal NGOs.

2. A GOVERNANCE ALLIANCE

APONT is organised as a non-incorporated alliance. In a way it is a non-binding joint venture arrangement, where the organisations involved remain separate legal entities and combine identified resources for a particular (often temporary) project.

Its member organisations contribute financial and in-kind support, including staff and CEO time, to resource the alliance. AMSANT administers a grant from the Fred Hollows Foundation that supports the employment of an APONT Policy Officer.

As a consequence, APONT's governance and management is essentially also the product of the alliance. This gives it several important advantages.

Firstly, as an advocacy alliance of powerful peak sector-organisations, being unincorporated provides the alliance with a great deal of independence; one that is not subject to the strings attached to having majority government funding or incorporation oversight.

It also means the alliance's governance arrangements have been able to evolve more pragmatically and informally.

The alliance is governed by a committee made up of the CEOs of the five member organisations. They provide overall direction and make consensus decisions regarding the alliance's work, in consultation with their respective boards and executives.

Below the governing committee is an Officers Group, comprising senior staff from the member organisations and the APONT Policy Officer. The Officers Group is responsible for providing strategic policy advice and ensuring that the practical implementation work of the alliance is carried out. The group meets regularly, and the governing committee on a needs basis.

3. INGREDIENTS FOR A SUCCESSFUL ALLIANCE

3.1 Strategic leadership

An important element in the success of the alliance is that it does not, in and of itself, seek to be a player independent of the organisations that established it. Rather it represents the united voice of five well-established, powerful and extremely experienced Aboriginal organisations which themselves have strong grass-roots engagement with Aboriginal community residents and organisations across the Territory. This gives the leadership and governance of the alliance considerable credibility and weight.

3.2 Sharing specialist expertise

The alliance can also draw upon its shared vision, and the significant specialist expertise, research evidence and wide-ranging practical knowledge of the five member organisations in order to advocate agreed positions.

3.3 Cohesion

Having a 'united voice' is not an easy thing to achieve for any alliance or federation – whether it be Aboriginal or non-Aboriginal. So being able to sustain consensus decisions, and publicly demonstrate a cohesive approach gives APONT considerable collective authority. As a consequence, it has been able to successfully engage in high-level discussions and negotiations with governments and other stakeholders.

3.4 Practical effectiveness

Another factor contributing to the strength of the alliance is its practical effectiveness and ability to generate policy solutions.

Its reputation for effectiveness was influential in APONT securing three-year funding (2013-2016) for a program that aims to provide governance and management support to other NT Aboriginal organisations, particularly those less well resourced and more remote.

The *Aboriginal Governance and Management Program* will have a two-year program planning, design and pilot phase, followed by a second stage focused on transition, if funded, to a more permanent Centre for NT Aboriginal Governance and Management. It is intended that after three years the program will be established as a sustainable independent centre.

4. A FUTURE CHALLENGE

With increasing restrictions on grant funding for many Aboriginal programs and organisations, APONT's advocacy role is likely to become even more important.

This may place greater workload demands on the alliance members given that APONT currently has a very small number of staff.

Reference Sources:

- Phone interview with John Patterson, CEO AMSANT, APONT Governing body member
- AMSANT website

3.4 CASE STUDY

DESART:
BUILDING AND SUSTAINING REGIONALLY NETWORKED GOVERNANCE

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1. OVERVIEW OF THE ORGANISATION

In 1991, Central Australian Art Centres separated from the Association of Northern and Central Australian Aboriginal Artists (ANCAAA), and formed Desart to provide a united voice to advocate on issues and interests shared by the desert-based Art Centres. In 1993, Desart was incorporated under Northern Territory legislation.

Some twenty years later, Desart has grown into a non-profit peak industry body representing the Aboriginal arts, cultural and business functions of more than 40 Art Centres located across desert Northern Territory, Western Australia and South Australia. The members of Desart are incorporated Art Centres, not individual artists.

Desart provides a vital conduit for broad engagement with dispersed, remote Art Centres and has developed a national reputation for its advocacy to government, promotion of industry standards, and innovative professional development and training.

As such, it offers an important case study of large-scale, dispersed regionalism of governance and administration where people have had to be innovative and flexible over a sustained period of time.

Its stated goals (Annual Report 2013) are to:

- *Represent and be a strong voice for art centres*
- *Promote best practice management of art centres*
- *Increase employment and career pathways for Aboriginal people in the arts*
- *Promote Central Australian Aboriginal arts and culture.*
- *Support art centres to acquire and maintain infrastructure and resources.*

> *"Today, cultural authority, authenticity and maximum return to the artist remain the core values of Art Centres and Desart"* (Desart Guidebook:19).

Desart provides a range of on- and off-site programs and services to its member Art Centres, including:

- The Aboriginal Artworkers Program
- Governance & HR support
- IT technical support
- Art Centre staff recruitment, induction and professional development

- An Art Centre Infrastructure Program
- Artists' camps and meetings
- Support with new Art Centre start ups
- Market development and relationships
- Advocacy and promotion

Art Centres are community-based enterprises that often have strong local support and allegiance from Aboriginal people in their communities:

> *"Some people say that Art Centres were set up by white people and are for white people. To me that's not true. …. Art Centres belong to us, to Aboriginal people. Art Centres are places where you can paint, people come and talk story, a lot of people come together' (Introduction by Jane Young, Desart Chairperson, Desart Guidebook: 15).*

Not only are Art Centres seen as spaces where "culture is kept strong, passed on between old and young…" (Annual Report 2013:6), they are often major contributors of externally generated income in remote communities. As such, they constitute an important component of local and regional economies (some Desart Art Centres return more than $1 million per year to the their communities through art sales, licencing and product sales).

2. A NETWORK OF CULTURALLY DIVERSE ART CENTRES

> *Desart is a cultural broker of sorts, the lynchpin of an amazing and unique network of community cultural* organisations (Hettie Perkins, "Reflection and Projection", Speech to *Desert Mob Symposium* 2014).

> ***Network****: An interconnected system of things or people who share information and resources. Networks are made up of intersection points or nodes (such as leaders, elders, sacred sites, powerful families or relationships) and flow routes (links). Networks enable people and organisations to share knowledge and resources, and to cooperate together for agreed purposes* (AIGI Indigenous Governance Toolkit, Glossary).

The Desart 'service region' is one of the largest and most diverse of any Indigenous organisation in Australia. Its 40+ member Art Centres work on behalf of approx. 3,000 artists from 16 distinct language groups spread across three State/Territory jurisdictions. This has presented Desart with particular challenges for which it has designed (and reassessed) innovative organisational and networked governance solutions.

For a start, there is great variation amongst the operational structures and governance arrangements of Desart's member Art Centres. The Annual Member Survey of member Art Centres undertaken by Desart in 2013 found that approx. 69.2% of the Centres were independently incorporated associations, and approx. 30.8% were operating under the umbrella of an auspicing body (for example, a local government shire, outstation resource centre, company, women's centre, as an annex to a school or NGO) (Desart Review 1999: 168).

This diversity creates its own challenges for a peak body. Some Centres have been operational for years; others were established more recently. Some have predominantly female boards and in others men predominate; some have more of a balanced gender representation. Some represent a small number of artists; others support more than 200.

What they share in common is that the great majority are located in remote communities with poor infrastructure and low levels of paid employment, low literacy levels and poor health. All have been adversely effected by the abolition of the Community Development Employment Program (CDEP) scheme and are vulnerable to the current changes being implemented by the

Australian Government to program funding in Indigenous Affairs.

The need to be flexible and responsive to the cultural, socioeconomic and organisational diversity across its region and communities has been a central factor influencing Desart's own governance and organisational model.

3. DESART GOVERNANCE

As a peak arts industry body, Desart has an Board of 10 Directors representing its five sub-regions; with 2 Directors being nominated and elected from each. Board Directors have two-year terms with 50% rotating every year. This gives the advantage of new members sitting alongside those with more Desart experience. Directors are limited to three terms, totaling 6 years. Desart calls for nominations each year for five Board members, and the Art Centres then take that process onwards in communities with their artists.

Voting on these regional nominations is done by the boards of Art Centres, as a majority decision. In order to enhance transparency and fulfill its own accountability obligations, Desart asks member Art Centres in each region to ensure that the outcome of board voting is fully documented as a decision in meeting minutes. Those regional decisions are then formally endorsed by a full Desart Executive Board meeting.

The first full day of a Desart Board meeting, held after voting, is given over to induction with information about the organisation and governance roles, responsibilities and procedures. As part of its own delivery of governance capacity-building, Desart has developed a range of visual tools for explaining financial information for the board.

But Desart has also moved beyond the standard 'induction day' and been innovative in its approach to embedding governance confidence and capacity. Its strategy has been to introduce governance training as a standard part of most board meetings. For that purpose, it engaged a "Governance Malpa" (a two-way mentor/teacher) who attends about half of the board meetings and provides customised training and mentoring that addresses governance issues as they actually arise in the meeting context.

The Governance Malpa is also facilitating a critical training process with the Board so they can carry out a performance review of the Desart CEO. This is an extremely important initiative as it is often one of the important functions that many Aboriginal boards fail to undertake – either because they have not had training in conducting a CEO performance review, the information which they need has not been collated within the organization, the process has not been stipulated as being required in the CEO's contract, because some boards do not realise they have that role, and sometimes because CEOs are reluctant to have it done.

Desart Directors come from different cultural backgrounds, and represent different community issues and priorities. Many also work on the boards of other local organisations, so they may have pre-existing governance experience. And along with that comes competing demands, including on their time. Desart is mindful of its demands on Directors for extensive travel.

Such diverse individual and cultural allegiances are sometimes cited in the governance literature as posing a problem for boards making 'objective' decisions. But in Desart's case, over time the Directors have collectively reinforced an approach within their meetings that emphasises the need to think about the overall 'big picture' and what will work for everyone across the region. This strategic decision making appears to now be embedded within the Desart Board governing culture.

> *"People are careful and sensitive about the decisions they make because they know they have to think about everyone, and they have to deal with the effects for all Art Centres not just their own"* (CEO).

4. THE GOVERNANCE MODEL – REGIONAL NETWORKED SUBSIDIARITY

The Desart governance model has had to be adaptive and flexible. It is a classic and sophisticated example of *networked subsidiarity*, created to respond to the regional and cultural diversity of its member Art Centres and artists:

> *"[It] is a mix of cultural authority, communal and collaborative decision-making, men's and women's business and ORIC compliance, such as Annual General Meetings"* (Desart Guidebook: 85).

> *"Culture first: We see culture as the priority and foundation for all our work.*
> *Diversity: We respect the cultural diversity inherent to Central Australian Aboriginal peoples and their communities"* (Annual Report and Desart Website).

4.1 Subsidiarity

This is a process of devolution within a system which aims to provide the constituent units or parts with more effective control over their own spheres of decision making and action. Functions and decisions that can best be carried out at the local organisation level are handled there. Conversely, central organisations or larger scales of governance should carry out functions and initiatives that exceed the capacity of a local group or community level.

The principle of subsidiarity poses the possibility that Indigenous governance can be decentred and accommodate interdependent layers. An important characteristic is its negotiated division of roles, rights and responsibilities across different groups and scales (Diane Smith, 'Regionalism for Indigenous Governance' 2005).

Australian Aboriginal societies practiced a form of governance subsidiarity in their classical social, political and economic systems, where they recognised the virtues of united strength at the same time as preserving a high level of self-determination amongst local groups.

The Desart model operates along similar lines; offering the advantage of united advocacy and strength whilst recognising the independence of its constituent Art Centre members.

4.2 Autonomy

An important foundation stone of Desart's version of networked subsidiarity is its recognition of the ongoing autonomy of the member Art Centres:

> *"Our Values: Autonomy: We support the independence and autonomy of our art centre members"* (Desart Mission and Values Statement).

> *"Its one of the big principles. We respect their rights to make their*

own decisions" (Desart CEO).

4.3 Recognising workable regions

As Desart has grown, so too has the geographic scale of its service delivery, and the diversity of circumstances and needs of its member Centres.

There has to be a minimum of three Art Centres in order to become a Desart 'region'. In 2004 , the decision was made to create 5 major service sub-regions (North-West, Barkly, APY Lands, Ngaanyatjarra, Central). These were based on broad cultural/linguistic blocs so as to better respond to regional issues and needs through a framework that ensured dispersed regional representation.

5. INGREDIENTS FOR EFFECTIVE NETWORKED REGIONAL GOVERNANCE

Recognition of the independence of constituent Art Centres is a positive response to cultural and locational diversity, but presents its own challenges for governance. Desart has put considerable thought and effort into flexibly dealing with the complex layers of decision-making authority and accountability that operate amongst its regional members.

5.1 Dealing with diverse governance

For example, Desart has its own governance processes and, in turn, represents 40+ Art Centres whose own governance models vary considerably.

There is considerable variation in the number of board members across the governing bodies of the different Art Centres ranges, and the means of s/election varies in accordance with the cultural preferences and diversity of artist groups and communities.

Each Centre has its own approach to the terms of office for its own board members, frequency and conduct of their meeting, and governing and HR policies and procedures (within the requirements of ORIC or state/territory based incorporation legislation).

5.2 Governance mentoring and support

Desart offers mentoring and support to vulnerable and new Centres. The autonomy of Art Centres means that it has no authority to intervene or require poor practices to be changed. Though they may identify early signs of future difficulties (for example, artists or board members complaining about financial matters or perceived malpractice), they must be asked to assist by the Centres themselves.

This may involve having to hold some hard conversations with Art Centre managers and Boards, but is seen to be an important aspect of Desart's advocacy of internal better-practice and standards for the arts industry overall. Not surprisingly, open communication and trust underpin Desart's relationships with its member Centres.

5.3 The challenges of sub-regions

Another unexpected challenge arose for the organisation from the creation of the 5 administrative sub-regions. It gave rise to an expectation that Desart would rotate its board meetings in each of the regions. The organisation responded accordingly and, as a result, had good participation by Art Centres. But as a consequence, its AGM held in November in Alice Springs sometimes struggled to get a quorum.

Progressively, holding five regional meetings per year, plus the AGM as a sixth meeting, became an onerous workload for Desart staff. A related concern was the significant cost attached to travel, accommodation and catering (estimated at $20,000 per meeting), and the wastage of such funds when regional meetings were cancelled because of unexpected local events such as funerals.

Desart's solution was to flexibly refocus its approach. Now, it holds a meeting in a region *if* that is requested by Art Centre members, and is not obligated to hold five each year. It now uses IT/media technology to connect with Art Centres via Skype and video teleconferencing.

To rejuvenate attendance at its AGM, it rescheduled the meeting to the same week as its ArtWorker professional development week held each year in Alice Springs. That has had the advantage of actively involving Aboriginal staff and their Art Centres in the AGM, and of promoting Desart's services and support programs to them.

5.4 Workload and costs

Desart has its office in Alice Springs which means its own staff are required to travel extensively and often, and to have a current understanding of the cultural diversity across the service regions, as well as the changing policies, programs and funding arrangements of four government jurisdictions (WA, SA, NT and national). One estimate is that Desart Directors, management, staff and artworkers travel up to 200,000kms a year "to support and work for our remote Art Centres across the outback" (Guidebook 13).

This large scale of operation has major workload and cost implications that have had to be factored into Desart's annual budgets, and staff inductions and support. For example, new staff are taken on an "induction road trip" and Desart has produced an excellent online Guidebook for incoming staff to familiarise them with every aspect of the work, the organisation, its cultural regions, artists and member Arts Centres.

Overall, the Desart experience demonstrates that effective regional organisational scale and governance subsidiarity can be realised by creating interlocking layers or aggregations, with corresponding clear distribution of authority, responsibility and accountability, and by being responsive and adaptive to changing circumstances. Desart has been on the front foot in carrying out periodic assessment of how well the overall model is working.

6. FUTURE CHALLENGES

6.1 Turnover of staff

> *"… Managers and Artworkers have an average tenure of 2-3 years. … One important issue … is the high turnover of expert personnel in Aboriginal communities. Many communities are fatigued by having to start over again with each new Art Centre Manager. Community members may also be upset at losing friends or frustrated by the lack of capacity development in the community in order to manage their own Art Centre* .."(Guidebook: 56).
>
> *"In terms of governance, that turnover is a really big issue"* (Desart CEO).

When Board members live in remote communities and have low levels of English numeracy and literacy, coupled with limited understanding of the

Western legal and financial systems, they are reliant on the quality and professionalism of the people working for them in organisations. This is a common predicament in many NT communities.

Good staff can build trust and enable positive outcomes, but then are sorely missed when they leave. Poor or dishonest staff can create havoc in communities and severely undermine the effective leadership of boards. Local impacts and transition issues are created in both circumstances for organisations and communities.

A high (or simply regular) turnover of staff poses major risks for the stability and consistency of governance and administrative arrangements within any organisation, potentially undermining accountability, the continuity of corporate knowledge and projects, and the preparedness of community residents to continually engage with newcomers. Already vulnerable organisations can quickly come undone when key staff depart.

The research indicates that governance systems and processes need to be resilient in order to cope with the comings and goings of staff and board members. Desart has been innovative in tackling this issue on several innovative fronts. One of the most important, is that it has fully committed to the professionalisation of its Aboriginal Art Centre staff.

6.2 Aboriginalisation and staff professional development

Often organisations leave the promotion of Aboriginal employment, mentoring, counterpart training, and professional development to CEOs or managers who themselves have competing interests and priorities and so do not have the time or the relevant training skill to be able to do specialist training properly. Desart has adopted a more proactive approach to this challenge.

> *It's a mixed bag. That's why we are placing lots of emphasis on Art worker professional development. That's where real long-term change will happen. Aboriginal Artworkers having career pathways. It helps overcome problems of turnover of staff. The legacy of that professional development is much more sustainable beyond the turnover of CEOs and managers*" (Desart CEO).

One of the peak body's stated goals is to: "Increase employment and career pathways for Aboriginal people in the arts". It has implemented that goal by, amongst many other activities:

- developing a range of much-needed HR tools, policies and contract templates collectively referred to as *Strong Business* to support Art Centre staff recruitment and retention strategies;
- providing governance support to Centre boards, including through on-site training and support to carry out performance reviews of Art Centre managers;
- designing extremely innovative Information Technology assistance through the Desart IT program known as *Stories Art and Money* (SAM) management database;
- establishing in 2008 and delivering a comprehensive Artworker *Professional Development Program* to address the low numbers of local

Aboriginal people employed in Art Centres by providing training, mentoring, collaboration and employment opportunities for a substantial number of Artworkers. As part of that program, Desart has partnered with Bachelor College to extend the professional development including development of visual training tools and upgrading financial literacy and numeracy;

- producing and updating a ground-breaking *Art Centre Guidebook* that is a key resource for Art Centres and staff new to the job, identifying key aspects of Centre work, potential challenges, and direction and ideas in how to address those challenges; and

- running for over 22 years the *Desert Mob Exhibition and subsequently the Desert Mob Symposium* in Alice Springs which provides a forum bringing together Art Centre managers, staff and artists for professional exchange, workshops, expert presentations, promotional activities and major commercial exhibition opportunities.

- The Desart Art Centre Conference held annually provides Art Centre staff and board members the opportunity to participate, network with each other, undertake professional development activities and play an effective leadership role in the discussions and development of recommendations and strategies that have local, regional and national impact.

6.3 Supporting vulnerable Art Centres

> *"As some recent examples show, the seemingly most robust art centres can fail almost overnight and it's little wonder given that they run on the smell of an oily rag and burn out most managers in a couple of years. With proper resources and support, the right people for the job can be attracted and some corporate continuity established. … there is a role for Desart in this, to actively support art centres in best practice governance and management, with the power to intervene should the need arise.*
>
> *We do have those amazingly talented people in many art centres now and it's well known that its love, not money, that keeps them there. Wouldn't it be nice if it were both, or least it didn't come at considerable personal cost?"* (Hettie Perkins, "Reflection and Projection", Presentation to *Desert Mob Symposium* 2014).

The life cycle of every organisation entails periods of success and downturn. The Arts industry and Art Centres are vulnerable to the external volatility in the national and international markets, as well as changing government funding guidelines and policies. They are internally vulnerable to problems associated with staff turnover, governing capacity, financial management and administration, and often deteriorating Art Centre infrastructure.

Desart received triennial funding in its last grant round, but this may be at an end owing to the radical changes now being implemented in program funding arrangements by the Australian Government. Art Centres, like many other Indigenous organisations around the country, may be in for an even tougher time in accessing government funding in the near future.

Rapid changes in IT technology in the arts and media put pressure on small Centres to keep up with more efficient ways of doing things. And the implications of the changing demographics of artists (with an older generation of artists passing away) are also being actively considered by Desart.

When requested, Desart has been able to play an increasingly effective role in the hard work of supporting and reinvigorating vulnerable Centres, by introducing more robust financial and administrative accountability systems and tools, and in some cases, creating innovative structural solutions to enable Centres to continue their work by being auspiced under the mentoring umbrella of another larger organization, i.e., Desart.

Playing the role of 'critical close friend' with organisations in the Desart family has its challenges. Considerable sensitivity is needed in handling organisations under threat and staff or board members who, not surprisingly, may become defensive. And in some cases, the signs of impending trouble or expression of community concern about how a particular Centre is running, may be more apparent and voiced more directly to people outside the centres; in this case Desart.

The effort that Desart has put into building strong relationships across its network of Art Centres is paying off in this regard. It has been able to move beyond the 'compliance approach' of the usual government intervention into failing organisations, in order to provide more constructive rehabilitative support. This is an extremely important role; especially for communities whose residents need the income generated via their work with Art Centres.

Reference Sources:

- Phone interview with Philip Watkins, CEO Desart
- Desart website: http://desart.com.au
- Desart Annual Report
- Desart Review of Art Centres (ATSIC) 1999
- Desart Guidebook for Staff http://www.desart.com.au/wp-content/uploads/2014/05/DESART-GUIDEBOOK_PROOF4.pdf
  Guidebook is for Art Centre Managers and Artworkers in Central Australian Aboriginal Art Centres. It is a guide to Desart services and support, a book to help you work well in Art Centres. To work in an Aboriginal Art Centre is a privilege- an opportunity to work with world-famous artists and be part of art history, to live in an Aboriginal community and be taught about culture first-hand. It is a tough, challenging job in a remote area. You need to be flexible, resilient, organised and smart. You must be fair and respectful. Above all, you must read this guidebook-each section delivers key information for survival. Whatever your reason for reading this guidebook, when you have finished you will have a range of perspectives on this unique business- the remote Aboriginal Art Centre.
- Stories Art Money (SAM) database is an online artwork management system that allows art centres to catalogue artworks, artist biographies and CV's, link art works to websites, promote artworks via email, pay artists, provide reports to artists and funding bodies. It also exports to

MYOB and Quickbooks for accounting purposes. The database allows for multiple staff using the system. SAM enables the use of the database offsite at market stalls, galleries and exhibitions for ease of sale transactions and production of certificate of authenticities. Desart developed the Stories Art Money (SAM) database with funding provided by the Office for the Arts – Department of Regional Australia, Local Government, Arts and Sport. For more information contact the SAM Project Manager – sam@desart.com.au or visit the website. https://sam.org.au

- Artists in the Black (AITB) is a legal service for Indigenous artists, communities and arts organisations. It is operated by the Arts Law Centre of Australia (Arts Law), the national community legal centre for the arts. The name "Artists in the Black" is of course a play on the expression to be "in the black", meaning to be financially profitable and not in debt, rather than being "in the red". This name encapsulates the nature of this service, which helps Aboriginal and Torres Strait Islander artists to be "in the black" through access to culturally appropriate legal advice, information and education about their rights so that they may gain financially from their artworks
Website: http://www.aitb.com.au/

3.5 CASE STUDY

MARTUMILI ARTISTS:

SUSTAINING AUTONOMOUS GOVERNANCE

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1. OVERVIEW OF THE INITIATIVE

Martumili Artists were a finalist in the 2012 Indigenous Governance Awards.

> *Martumili has become a cross cultural means for exploring the importance of the Martu worldview to the larger society, and for demonstrably reinforcing this to the wider Australian community. Martumili is an extraordinary organisation. It is governed well, led well and structured well. It engenders extraordinary commitment from its artists, its staff and its stakeholders.*
> (Mike Dillon, Deputy Secretary, FaHCSIA and IGA judge).

The Martu are the traditional owners of a vast area of the Great Sandy and Gibson Deserts. Their country stretches from the Percival Lakes, Lake Disappointment and across the Canning Stock Route to the WA/NT border. Many Martu people ceased living a desert life only in the 1950s and 1960s. After spending some years on missions and stations, most Martu are now based in remote desert communities and regularly visit regional centres such as Newman and Port Hedland. The Martu people encompass Manyjilyjarra, Kartujarra, Putijarra and Warnman language speakers.

Martumili Artists is a non-incorporated organisation of Martu artists living in the communities of Parnpajinya (Newman), Jigalong, Parnngurr, Punmu, Kunawarritji, Irrungadji and Warralong. After long and cautious observation of other desert artists' experiences of the art market, a number of Martu artists decided they wanted to have an organisational platform to assist them in making and selling their art. But they were reluctant to create a new, complex incorporated structure in a region that already had several well-established organisations with diverse, sometimes competing agenda.

Martumili has a number of unique features which make it rich as a case study of how Aboriginal people are designing innovative, self-determined solutions to organising governance.

2. GETTING STARTED – INFORMED DECISION NOT TO INCORPORATE

> *Nola Taylor, a Martu artist, says Martu were initially hesitant about creating an art centre because they wanted to be sure that they would have control over the way their works were presented to a wider audience. The community wished to make its own decisions and not risk allowing other people – no matter how well intentioned – having too great an influence on important decisions.*
> http://www.martumili.com.au/history-of-martumili-artists.html

So many people were talking about making artworks that, in 2003, the Parnngurr community organised a three-day, Martu-language meeting to plan a distinctly Martu arts enterprise. This meeting got many people thinking about how they would like an arts enterprise to operate.

During 2005 and 2006, a range of consultations took place in Newman and throughout Martu communities. Prior to formal meetings with government and other potential support-partners, Martu artists travelled to other desert and Kimberley Art Centres to see how the art centre business worked and what people were painting in other parts of the desert.

Initial support for capturing the aspirations of Martu people for their own art enterprise came through the facilitation of a WA Government Regional Arts Officer (Department of Culture and the Arts).

Out of these considered processes Martu felt they were able to make informed decisions to create Martumili Artists – a genuine partnership between over 300 artists, community and local government that culminated in the appointment of the inaugural Martumili Artists Manager in October 2006. With a main office located in Newman, Martumili Artists formally commenced operations as a non-incorporated organization in late 2006.

Because Martumili Artists is not incorporated it does not have formal members or membership conditions. However, for practical purposes, all Martu people who paint with Martumili are regarded as 'members' and are asked to complete an artists/art centre agreement.

Martumili currently has 98 regular practicing artists, and has sold artwork for over 300 individuals. The artists are distributed across Martumili's catchment communities.

3. AUSPICED SEPARATE ADMINISTRATION

Martumili's success has been greatly facilitated through its very active engagement and negotiation with a wide range of partners and stakeholders in its wider environment.

It initially commenced organising its approach to work via a partnership between the Office of Aboriginal Economic Development ('AED') which provided funding, the Shire of East Pilbara which provided administrative and in-kind support, and the Martu artists. With the closure of AED, the partnership today is between Shire of East Pilbara and Martu artists.

The core partnership with the Shire has matured and grown. Martumili retains operational autonomy, while the Shire provides overall financial supervision, and crucially, in the difficult infrastructure environment faced by the Newman community, a base from which to operate.

A series of MOUs are in place with the Shire and now other partners, and procedures have developed over time to deliver accountable decision making and management processes.

The strength and commitment of the Martumili-Shire relationship is recognised by Martumili's now major funding partners (BHP Billiton and the Commonwealth Office for the Arts), and has been recently and overwhelmingly endorsed by the artists, as part of Martumili's business planning process.

As a consequence of this partnership, the Shire enters into contracts on behalf of Martumili, and provides the basic organisational platform, such as human resources and procurement. As such, the Shire is the applicant on grants, but

Martumili provides all the intellectual, creative, and operational service elements.

The establishment of a Martumili Art Centre in Newman was given practical impetus by the willingness of the Shire of East Pilbara to act as an sponsor. That auspicing has effectively meant Martu artists did not have to incorporate.

The partnership with the Shire of East Pilbara is highly valued by Martu artists and central to the organisational capacity and stability of their Art Centre. The arrangement gives Martumili members high levels of accountability, certainty and transparency in regard to the artists' individual funds (held in trust until drawn on by the artist) and the Art Centres' operational funds.

4. A REGIONALLY NETWORKED OPERATION

The Martumili Art Centre hub is located in Newman, and is Martu governed. It is hosted by the Shire of East Pilbara with support by BHP Billiton. It services Martu artists living in, or visiting Newman; though the majority of artists are located in six remote Martu communities.

Martumili Artists has been responsive to the dispersed residence of the Martu artists by establishing art spaces and studios which allow them to work in their own communities. Community artists are supported by on a regular basis by the Field Officers or other Martumili staff.

Since most of the communities are separated by a half days' drive, this has been logistically complex, but remains critical to the success of a distinctively Martu arts centre for regionally dispersed members.

The Art Centre employs four full-time staff and one permanent part-time Martu community liaison officer. There is also a pool of mentors, volunteers and consultants who provide specific services and skills to Martumili. For example, BHP Billiton Pty Ltd provides operational and project funding, commercial contracting opportunities, marketing, branding and cross-promotional initiatives, and some staff accommodation to the Art Centre.

5. DISPERSED NETWORKED MARTU GOVERNANCE

The governance of Martumili Artists involves a series of regionally dispersed networked structures with complementary accountability arrangements.

First and foremost, Martumili is an enterprise that is directed by, and for the benefit of Martu people. To maintain this governing vision, it has a Steering Committee representing all the partner Martu communities.

Martu elders wanted to govern their organisation strategically without engaging in the complexity of incorporation or the administrative sides of governance.

Accordingly, Martumili Artists has a Steering Committee is made up of two Martu artists or cultural leaders from each community. All decision making on strategic direction, partnerships (who to partner and on what projects) and artistic and cultural elements of the Centre are made by Martu people via the Steering Committee. The Shire has no voice in any of these processes. In addition, the Steering Committee members represent Martumili Artists in an official capacity, such as opening events, planning or consultations with stakeholders.

The Steering Committee meets at least once per year, and its meetings are held in conjunction with a large artists' camp with 30-40 artists in attendance, as well as family members and any interested non-community members.

Planning and strategic issues are discussed at these meetings, with a translator in attendance to ensure broad communication. Decisions are made by discussion until group consensus is reached. Meeting minutes are recorded and decisions are documented, with the Martumili Arts and Business Manager responsible for the implementation of agreed actions. One of the Manager's tasks is to communicate the decisions of the Steering Committee to the Shire of East Pilbara.

This model replicates the strengths of a well run and accountable incorporated organisation, but enables Martu artists to retain the close relationship between Martumili and the Shire of East Pilbara, at the same time as quarantining Martumili from the sometimes highly contested relationships between some of incorporated organisations operating within the wider region.

6. INGREDIENTS FOR SUCCESS

Martumili has enjoyed success with widespread arts industry recognition, production of some exceptional artworks, positive critical response, inclusion in important awards and exhibitions, acquisitions into important public collections, good direct sales and good sales through reputable commercial galleries.

Martu artists preparedness to independently explore what the establishment of an art centre would involve for them has been integral to that success.

While its governance model is original and innovative – it is also highly effective. In an environment where many organisations fail or have ineffective governance and participation, the tripartite agreement between Martu artists, the Shire of East Pilbara and Martumili Artists has provided significant (and ongoing) value to all parties.

Being non-incorporated is not a hindrance to an active service delivery program and balanced and well considered professional development. But Martumili's innovative organisational structure and its dispersed governance has required vigilant and sustained practical support. For instance, the rapid growth in sales presents significant financial management issues, the dynamic range of partnerships creates a complex interplay of responsibilities and compliance, and the boom in artists' participation places growing demands on the resources and capacity of the staff and the enterprise.

The biggest ongoing challenge for Martumili Artists has been a geographic one: Martu communities, while culturally and socially linked, are isolated, under-resourced, and poorly serviced. Providing a regional art service that is equitable and consistent across the region places heavy workloads on staff.

Martumili initiated a range of strategies to deal with the challenges of isolation. These included two Field Officer positions with permanent facilities in two of the four most remote communities. These positions have a roving role, supporting artists and communities on a roster basis. Other Martumili staff and consultants travel to communities for workshops, meetings and professional development. Martumili Artists also employs arts workers in most communities.

Remoteness and geographic scale impacts on governance processes as well. To hold a full Steering Committee meeting costs, Martumili Artists allocates over $25,000 per meeting. Continuing to provide this governance service is fundamental to the organisation's effectiveness

Today Martumili has grown into an enterprise with around $1.4 million annual revenue and $920,000 sales, servicing the professional and artistic requirements of 300 artists and managing multiple projects.

This has resulted in the art centre having had to relocate three times (all within Shire of East Pilbara property) as demand outstripped capacity. Martumili is currently negotiating a significant capital works plan to address this problem. The relationship with the Shire of East Pilbara and BHP Billiton has been of significant benefit in this situation.

One of the current strengths of Martumili is that artists are committed to working in a group and through Martumili. This reflects the strong relationships established between artists and art centre. It is critical that Martumili continues to meet the aspirations of its widely dispersed artists in order to sustain this relationship.

Reference Sources

- Martumili website: http://www.martumili.com.au
- WA Art Aboriginal Centre Hub: http://www.aachwa.com.au/our-members/martumili-artists
- Indigenous Governance Toolkit:
  http://www.reconciliation.org.au/governance/resource/video-martumili-artists-how-our-un-incorporated-organisation-works
  Martumili Artists manager Gabrielle Sullivan and staff member Kathleen Sorensen talk about how the organisation's steering committee works and their decision to remain an unincorporated body whose financial management is largely run by the Shire of East Pilbara.

  http://www.reconciliation.org.au/governance/resource/video-the-partnership-between-martumilli-artists-and-the-shire-of-east-pilbara
  Martumili Artists is a hugely successful enterprise of artists from six communities throughout the Pilbara region of Western Australia. They made a conscious decision not to incorporate. Their administration is managed by the Shire of East Pilbara, which also helps them with accommodation and offices. The artists wanted a buffer against the overwhelming workload of managing and reporting on funds, and their Martu elders wanted to govern their 'unincorporated' organisation strategically, without engaging in the complexity of the administrative sides of legislated governance.

3.6 CASE STUDY

MURDI PAAKI REGIONAL ASSEMBLY:

A SELF-DETERMINED BOTTOM-UP FEDERATION

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1. INTRODUCTION TO THE ORGANISATION

The Murdi Paaki Regional Assembly (MPRA) is a legacy of the former ATSIC Regional Council and its efforts to transform its own structure into a Regional Authority. After the abolition of ATSIC in 2005, Murdi Paaki legally took over the name, and is now the peak structure that represents the interests of all Aboriginal people in 16 communities across Western NSW. The Assembly's 'region' has a total population of approx. 8,000 people, with the largest Aboriginal populations (in absolute terms) in the communities of Broken Hill, Bourke, Brewarrina, Coonamble, Walgett and Wilcannia.

The MPRA see self-determination as the key success to their governance model. Their model asserts:

> *…community control as the Aboriginal people of the region determine the composition of their local working parties, they choose the methods to bring that model together and they choose who represents them on the Regional Assembly. People volunteer their time and those who participate are genuinely interested in making a change for their communities. The model is evolutionary; it's not competitive leadership but a traditional style of leadership.* (MPRA website).

In particular, the Assembly structure is informed by the principle that:

> *Community and Regional Governance are the tools that hand responsibility to us.* (MPRA website).

A major focus of MPRA and its Community Working Parties has been to provide strategic engagement and an interface for coordination with Australian and NSW Governments and others, for the delivery of services and programs based on priorities determined by Aboriginal people in the region.

The functions of the Regional Assembly are extensive and range from political and cultural, to social and economic. They aspire to a practical exercise of jurisdictional self-governance, with the aims to:

- respect, maintain and recognise the special and unique customs and beliefs of the Aboriginal and Torres Strait Islander peoples living in the region;
- advocate the interests of Aboriginal and Torres Strait Islander people in the region;
- formulate, and revise from time to time, a regional plan to improve the economic, social, and cultural status of Aboriginal and Torres Strait Islander individuals and communities of the region;
- determine regional priorities, assist, advise, and co-operate with the

Commonwealth and State, Territory and local government bodies in the implementation of the regional plan;

- assist, advise, and co-operate with Aboriginal and Torres Strait Islander individuals, communities, Community Working Parties, and organisations;
- report to Community Working Parties on the operations of the Regional Assembly, Federal, State, Territory and Local Government, non-government agencies and local organisations;
- monitor the implementation and effectiveness of programs and services delivered by government and non-government agencies for Aboriginal and Torres Strait Islander people living in the region;
- contribute to the co-ordination of the activities of Commonwealth, State and Local Government bodies that affect Aboriginal and Torres Strait Islander people living in the region;
- develop policy proposals to meet national, State, regional, and local needs and priorities of Aboriginal persons and Torres Strait Islanders living in the region;
- develop policy proposals consistent with the Council of Australian Governments (COAG) agenda in relation to the region; and
- report on the achievement of outcomes

The Assembly structure is a customised solution to the continuing desire of Aboriginal people to have a united and independent regional voice. Its inclusive character, with multiple layers of diverse structures and entities, makes it an important study of governance innovation and strategic networking.

2. ATSIC INCUBATED ESTABLISHMENT

The Assembly was incubated as an initiative of the ATSIC Regional Council which itself had been created out of an amalgamation of two former Regional Councils in 1995. The Council covered an extensive statutory region encompassing 16 communities in Western NSW. At the time, many ATSIC leaders around Australia were exploring options for transforming ATSIC Regional Councils into Regional Authorities with greater statutory powers.

The ATSIC Regional Council worked from the 'bottom up' in building a new structural model for a future Regional Authority. In each community, it facilitated the establishment of community governance bodies referred to as the Community Working Party (CWP).

To further support these CWPs, a regional governance structure of representatives from the CWPs was deemed necessary. That was called the Murdi Paaki Regional Authority (in the early days) and later became known as the Murdi Paaki Regional Assembly. It comprised the chairs or the representatives of the 16 CWPs.

The peak Assembly structure has remained non-incorporated but rests on a foundation of close alliance to its member incorporated community organisations via and additional to the CWPs, as below. Other related Assembly organisations have subsequently been incubated out of its expanding functions. This incubation process gave a unique governance and organisational identity to the Assembly from the beginning.

3. A SELF-DETERMINED NETWORKED 'FEDERATION'

3.1 The 'region'

The 'region' for the Assembly had its bases in the earlier establishment of ATSIC and its Council regions which were enacted into legislation by the Australian Government. The ATSIC 'regions' paid initial consideration to Aboriginal cultural connections and language blocs, but were essentially government-instigated and defined, periodically reviewed and changed accordingly with the stamp of Australian Parliamentary approval.

On the other hand, the formation of the MPRA organisational and governance structure is a purely Aboriginal-determined design solution that has evolved over time. It is all about networked subsidiarity (i.e. built upon layers of interconnected decision making and responsibility from local community to regional), and with a strong emphasis on what might be called a 'bottom-up' federalism.

3.3 Dispersed community membership and functions

The Regional Assembly has 100% Aboriginal membership. The chairs or the representatives of the 16 Aboriginal CWPs are Aboriginal people of the region, as is the independent Assembly Chair (who is not a representative of the CWP or other member organisations (below). There are no payments of sitting fees; people volunteer their time.

CWPs have a structure that is representative of their community and derive their membership from Aboriginal community members and Aboriginal organisations from within that community, as well as young leaders and elders. The CWP Chair is elected from within that membership.

After several years of activity, it was decided to extend the membership on the Assembly governing body to include 4 young leader representatives who change from time to time, and representatives from the 3 zone NSW Land Councils that also cover the Murdi Paaki Regional Assembly area.

The functions of each Community Working Party are to:

- represent and advance the interests of the community, individuals and families;
- elect a representative to the Regional Assembly;
- engage with Commonwealth, State, local government and Aboriginal organisations in the provision of services;
- determine community priorities;
- implement the community vision;
- sustain the practice of community governance;
- prepare a community plan;
- negotiate service delivery agreements with government agencies; and
- engage with service providers to articulate community goals, aspirations and priorities.

The MPRA peak structure and the CWPs at the local levels, have established units and committees to directly and actively engage with both the State and Federal Governments, Local Government and service providers. The result is that Assembly has been extremely successful in securing wide-ranging service delivery and program funding by negotiating what it refers to as "inter-governmental agreements" and contracts.

Figure 1. A 'bottom-up' governance structure with regional and community layers, and external linkages to key stakeholders.

3.4 Governance subsidiarity

The Assembly is governed by a "Charter of Governance" which, in the absence of legislative arrangements or incorporation law, provides the regulation, goals and objectives, functions and principles under which the Assembly operates.

This charter of governance expresses the Assembly's resolve, on behalf of its member communities, to manage their own affairs, build sustainable communities and determine their own future.

The MPRA Governance Charter is part of a broader strategic goal of establishing jurisdiction for Aboriginal communities in the Murdi Paaki Region. It states that the MPRA governance objectives are to:

- establish a framework of good governance built on true community control;
- acknowledge that good governance is about respecting the right of Aboriginal and Torres Strait Islander communities to make decisions about their own development, ensuring they have the capacity to take responsibility, and the need for governments to be responsive to community needs;
- recognise that communities will continue to need assistance in partnership with government for those matters beyond the powers of communities to fix for a variety of reasons;
- offer government a legitimate representative structure at the community level to secure effective investment in those communities to support individuals and families;
- support direct participation in regional decision-making to make it more relevant for communities and to give them greater ownership;
- recognise the important role community working parties play in improving service delivery and assisting in laying the foundations for the next phase of regional development;
- focus on community well-being as the indicator for desired outcomes, determined within the environment of the individual, family, clan and community;
- work with all government and non-government agencies to achieve better outcomes for Aboriginal and Torres Strait Islander people; and
- secure a national legislative framework for the operation of regional governing bodies to ensure consistency in roles and responsibilities and

certainty in their operations and relationship with government.

Each of the 16 CWPs has developed its own related Terms of Reference and a Code of Conduct to guide them, as well as a Community Action Plan (CAP) which they negotiate with governments to deliver in partnership. Each CAP is then used to inform the Assembly's 'Regional Strategic Action Plan'.

Strategic priorities are identified by the Assembly and then implemented through a Regional Engagement Group and four sub-groups which cover a range of portfolios. Decisions made and initiatives decided upon by the Regional Assembly are taken back to each CWP for ratification.

4. AUSPICED FINANCIAL ADMINISTRATION

Because the MPRA itself is not an incorporated body, the funds it receives are auspiced by Aboriginal organisations within the region; like the Murdi Paaki Regional Enterprise Corporation, Mari Ma Aboriginal Corporation and the Brewarrina Business Centre.

The MPRA made a deliberate decision to remain unincorporated in order to focus on advocacy, strong community governance and leadership, which it believes are the cornerstones to self-determination and building strong service delivery and partnerships.

It has been funded by both the NSW and Australian Governments to meet regularly and provide a forum of engagement for service provision. These funds are managed by the Brewarrina Business Centre, an Aboriginal controlled enterprise.

5. INGREDIENTS FOR SUCCESS

There are several reasons why this large and relatively complex organisational governance model has proven to be increasingly effective and resilient.

5.1 A strong founding vision

The MPRA vision is to establish Aboriginal jurisdiction in the Murdi Paaki region based on recognition:

> *of our human rights as Indigenous peoples, political, social and cultural respect for Aboriginal and Torres Strait Islander people in Australian society, and equitable participation in the economic development of the region.*
>
> *The Murdi Paaki Regional Assembly recognises that real power rests in determining how and where resources and services are to be allocated. The Assembly seeks to negotiate as a full and equal partner in any new government arrangements.* (website)

The Assembly commenced with a strong initial vision of securing regional and community self-determination and economic well-being. That vision has continued to provide it with stability and a core focus for its decision making. It has also been the principle upon which it has actively engaged and negotiated, as an equal, with external businesses, governments and the private sector over a long period of time.

5.2 The advantages of non-incorporation

MPRA values its non-incorporated status very highly:

> *"We will never be abolished and never have administrators appointed. The community set the structure not the government. It is traditional governance",* (Alistair Ferguson, MPRA, Tennant Creek Governance Summit).

That model — combining non-incorporated and incorporated elements — has strong community support and is associated with a highly valued autonomy. It has not been created by government or the NGO sector. It is solely an Aboriginal-designed mechanism for regional representation and engagement.

5.3 Devolved decision making

The Assembly focuses not just on asserting regional peak governance and advocacy, but also on building local community governance and leadership. It invests considerable effort and funding to support emerging leaders, and building governance and decision-making capability across the 16 communities.

Independent evaluation of MPRA has reported that its success was directly linked to the involvement of Aboriginal people in decision making.

6. FUTURE CHALLENGES

The Assembly has taken on a challenging range of functions including jurisdictional, policy and service-delivery advocacy, and coordination and collaboration of major initiatives with State and Australian Governments. It has done this by using Regional Partnership Agreements and contracts as the best way to develop autonomous relationships with stakeholders.

Implementation of such agreements and contracts inevitably requires considerable resources, funding work and monitoring. The costs of these implementation aspects are not always identified within the agreement itself.

Access to adequate resources has been a challenge and MPRA has had to develop a business case to demonstrate the need to be resourced to ensure it can meet its commitments under particular Agreements.

In response to these challenges, it has developed a financial sustainability model to secure the long-term viability of the CWPs and the Assembly. MPRA has also worked hard at succession planning and has put significant effort into the next generation of Assembly leaders through its Young Leaders Program.

Reference Sources

- Murdi Paaki website http://www.mpra.com.aa
  Including annual reports, minutes, Murdi Paaki Strategic Plan, evaluations, business documents, Governance Charter, etc.

- Ferguson, Alastair, 2012. 'Presentation' on Murdi Paaki regional Assembly to the Tennant Creek Governance Summit, APONT Report, Darwin, NT.

- Indigenous Governance Toolkit. Case studies and Video interviews http://www.reconciliation.org.au/governance/resource/video-murdi-paaki-regional-assembly-and-self-determination
  Murdi Paaki Chair Sam Jeffries talks about self-determination and

governance in Murdi Paaki Regional Assembly.

http://www.reconciliation.org.au/governance/resource/video-murdi-paaki-young-leaders-program
Murdi Paaki young leader Isabelle Orcher talks about the organisation's young leaders program and succession planning.

http://www.reconciliation.org.au/governance/resource/video-murdi-paaki-regional-assemblys-charter-of-governance
In this clip Murdi Paaki Regional Assembly (MPRA) Chair Sam Jeffries talks about how MPRA chose not to become an incorporated model and how their Charter of Governance serves as their guiding document.

http://www.reconciliation.org.au/governance/resource/video-building-the-murdi-paaki-governance-structure
Sam Jeffries, Chair of the Murdi Paaki Regional Assembly talks about the emerging structure and governance model of the Murdi Paaki Regional Assembly.

- Urbis Keys Young 2006. *Evaluation of the Murdi Paaki COAG Trial*, Office of Indigenous Policy Coordination, PM&C, Australian Government, Canberra.

3.7 CASE STUDY

NGARRINDJERI REGIONAL AUTHORITY:

STRUCTURES AND PROCESS FOR NATION-BUILDING

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1. INTRODUCTION TO THE ORGANISATION

The Ngarrindjeri Regional Authority (NRA) was incorporated in 2008 under the *South Australian Associations Incorporation Act (198*5), but only after many years of preparatory work on the ground, including extensive consultations and conversations amongst Ngarrindjeri people. Today the NRM operates as the peak regional organisation for what is referred to as the Ngarrindjeri Nation.

The NRA story is one of perseverance and commitment in circumstances of extreme adversity and hardship, where Ngarrindjeri people were subjected to a long period of public and legal castigation over the proposed development surrounding the Hindmarsh Bridge in the 1990s.

After divisive process, Ngarrindjeri leaders developed "a strategy for survival and positive transformation, with governance, caring for Country, and economic development at its centre" (Hemming, Rigney, and Berg 2011, p. 99). That strategy includes a carefully worked-out set of 'governmental' initiatives designed—despite the constraints imposed by the dominant Australian legal system—to expand Ngarrindjeri control over lands and other matters of essential value to them.

In a sense, the NRA is an initiative that goes beyond more basic organisational governance-development, to seek recognition of the NRA as a jurisdictional representative structure as a result of its proven capable exercise of governmental power and practice. In other words, to assert self-determination by practically exercising it wherever and whenever they can.

Whilst the nation-building vision of the NRA may not be within the scope of other groups or communities, the processes and structure which the NRA has developed hold valuable lessons for other groups wanting to build strong grass-roots momentum and support for the design of new governance initiatives.

2. A NETWORKED NATION-GOVERNANCE STRUCTURE

The ideas of self-determination and self-governance (or self-government) assume the existence of a recognisable "self": a community that aspires to control its own future and in which rights to self-determine or self-govern may be vested. But who identifies that collective 'self' or community? To be true to the spirit of self-determination, identification of the relevant community or nation should be left to the people whose future is at stake

Today in Australia, some Aboriginal groups are considering the appropriate social bases of collective action, what Hunt and Smith (2006, p. 22) call "the cultural geography of governance." Given the freedom to act collectively on their own terms, these groups are working through, amongst themselves, the vital question of who the "self" will be in their self-determined collective governance.

For the Ngarrindjeri, their peak representative self-governing structure has evolved over time and attempted to be inclusive. Its members include the Ngarrindjeri Nation communities and organisations as well as the Ngarrindjeri native title claimants. The NRA Board is currently made up of sixteen members who are the Chairpersons or a nominated representative from the following organisations and 4 elected community members:

1. Ngarrindjeri Tendi Inc.
2. Ngarrindjeri Heritage Committee Inc. - Current Chair
3. Ngarrindjeri Native Title Management Committee
4. Tangglun Piltengi Yunti Aboriginal Corporation
5. Kalparrin Community Inc. - Current Vice-Chair
6. Lower Murray Nungas Club Inc.
7. Darpung Talkinyeri
8. Raukkan Community Council
9. Mannum Aboriginal Community Association Inc.
10. Ngarrindjeri Lands and Progress Association Inc.
11. Ninkowar Inc.
12. Tumake Yande
13. Elected Community Member - Current Secretary
14. Elected Community Member - Current Treasurer
15. Elected Community Member
16. Elected Community Member

The NRA's Constitution stipulates that each organisation must have a minimum of 20 members to be eligible for NRA organisational membership. Elected community representatives are selected on general support by community members and the skills that they bring to the Board.

Individual Members and Organisation Members are invited to attend, speak and vote at general meetings of the Association. Individuals from each organisation are selected by their own committee and report to the NRA on any issues, as well as providing feedback to their organisations and communities about matters raised in NRA meetings.

The Ngarrindjeri Regional Authority holds monthly meetings. The Board meetings include the use of a minute book that is open for inspection by the members.

NRA also has a wider membership through the operation of two of its core committees. For example, though the Ngarrindjeri Native Title Management Committees' membership on the NRA board, all Ngarrindjeri native title claimants have representation on the NRA. The Ngarrindjeri Heritage Committee similarly is representative of all Ngarrindjeri people and is an NRA Board member.

3. INGREDIENTS FOR SUCCESS: A CULTURALLY-INFORMED, INCLUSIVE GOVERNING STRUCTURE

The NRA governing system is based on Ngarrindjeri culture and values that are informed by the ethics of responsibility to *Ruwe/Ruwar* (body/land/spirit). But the structure has also been designed to be practically and administratively efficient and credible within its wider operating environment.

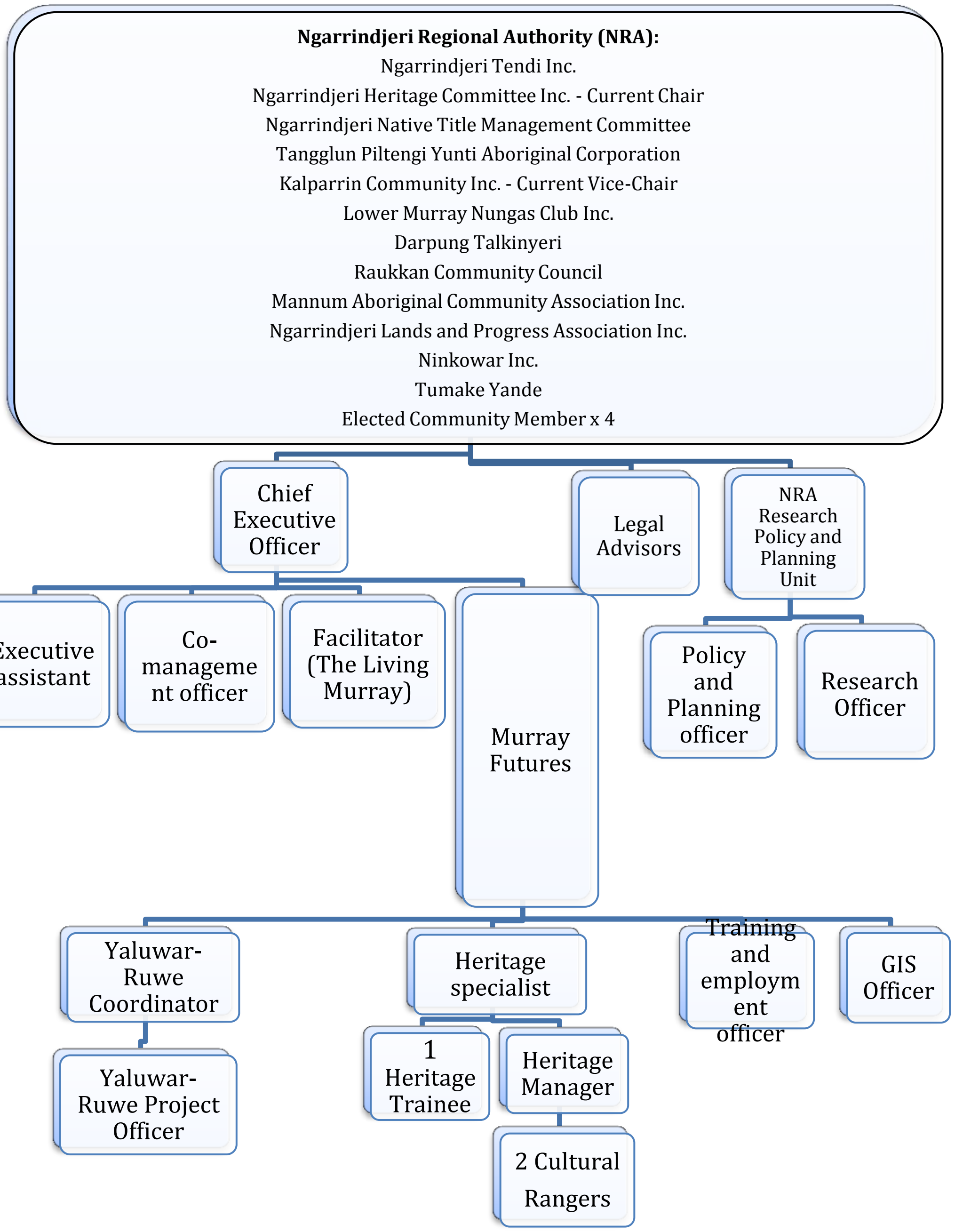
The traditional governing body of the Ngarrindjeri is the *Tendi* which operates in conjunction with the NRA and is a member organisation of the NRA.

The NRA has both political and corporate (strategic) governance mechanisms.

The political governance aims to support and achieve healthy *Ruwe/Ruwar* for the

Ngarrindjeri. This component of the NRA governance structure supports the standpoint of Ngarrindjeri people in relation to nation building, native title and is manifested in political negotiations with the State through Leader (Ngarrindjeri) to Leader (Signatory State Ministers) meetings under commitments made in its *Kungun Ngarrindjeri Yunnan Agreements* (KNYA) in 2009. The KNYA operates as a contractual arrangement between the NRA and the South Australian State around Caring for Country.

The strategic or corporate arm of the NRA operates as part of the strategic employment framework used to employ and train Ngarrindjeri to care for country under what are known as the *Ngarrindjeri Yarluwar-Ruwe* (NY-R) programs.


Ngarrindjeri Regional Authority (NRA):
Ngarrindjeri Tendi Inc.
Ngarrindjeri Heritage Committee Inc. - Current Chair
Ngarrindjeri Native Title Management Committee
Tangglun Piltengi Yunti Aboriginal Corporation
Kalparrin Community Inc. - Current Vice-Chair
Lower Murray Nungas Club Inc.
Darpung Talkinyeri
Raukkan Community Council
Mannum Aboriginal Community Association Inc.
Ngarrindjeri Lands and Progress Association Inc.
Ninkowar Inc.
Tumake Yande
Elected Community Member x 4
Chief Executive Officer
Legal Advisors
NRA Research Policy and Planning Unit
Executive assistant
Co-management officer
Facilitator (The Living Murray)
Murray Futures
Policy and Planning officer
Research Officer
Yaluwar-Ruwe Coordinator
Yaluwar-Ruwe Project Officer
Heritage specialist
1 Heritage Trainee
Heritage Manager
2 Cultural Rangers
Training and employment officer
GIS Officer

The NRA Board primarily makes decisions regarding day-to-day issues, future planning and urgent matters that arise. In regard to issues of a significant cultural nature or issues that impact on the nation as a whole, the Board will call a community meeting where the views of the nation are expressed and appropriate decisions made in order to protect and strengthen culture and the Ngarrindjeri nation.

4. ONGOING CHALLENGES

As the NRA increases its capacity and proves it can deliver outcomes, there have been increasing demands from a range of sectors for its participation in major initiatives. These all entail an increased workload to do with responsibilities to fulfill community engagement and inform the Ngarrindjeri community of all aspects of governance that emerge from the NRA.

This has led to a second phase of strategic planning that is currently underway across the NRA and its divisions. It is hoped that this new phase will further refine governing mechanisms and processes of community engagement, and distinguish the lines between political governance and corporate governance more clearly.

Reference Sources

- Ngarrindjeri Regional Authority (NRA) website: www.ngarrindjeri.org.au
- Ngarrindjeri Regional Partnership Agreement
- NRARPPU Annual Report 2010-2011
- S. Hemming, D. Rigney and S. Berg. 2010. 'Researching on Ngarrindjeri Ruwe/Ruwar: Methodologies for Positive Transformation', Australian Aboriginal Studies 2010/2

3.8 Case Study

Western Desert Nganampa Walytja Palyantjaku Tjutaku (Western Desert Dialysis):

Self-Determination in Action

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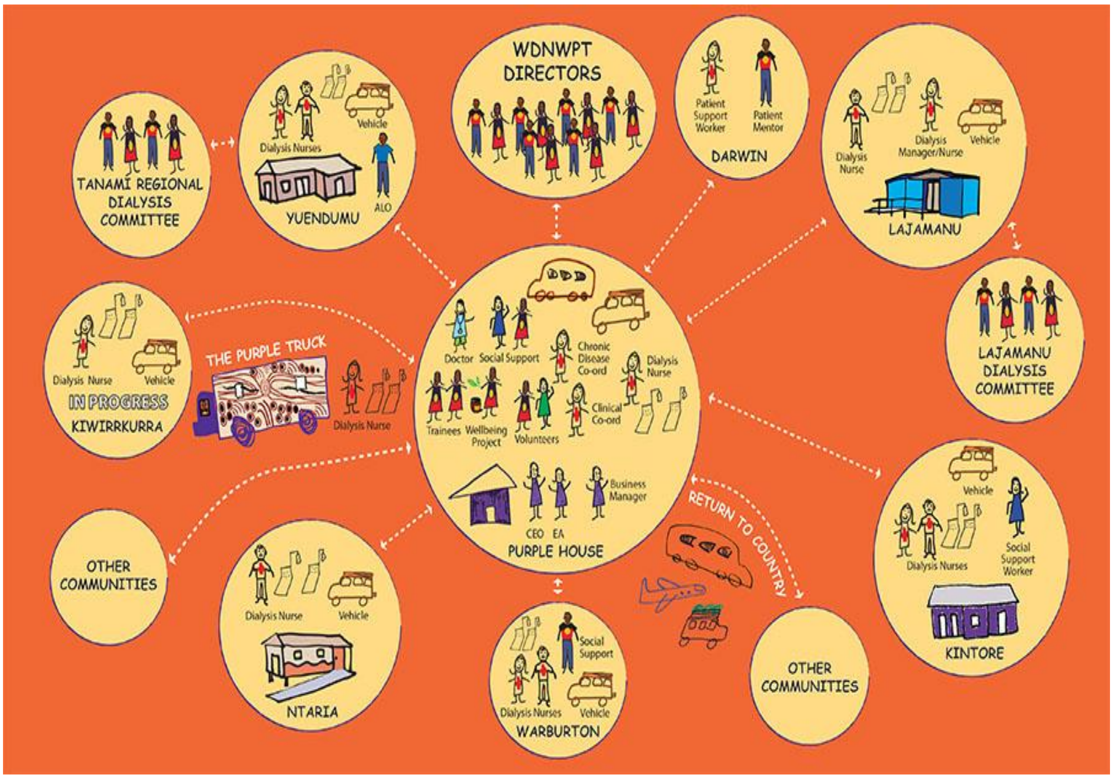
1. Overview of the organisation

Western Desert Dialysis (WDD) has a unique 'getting started' story that demonstrates extraordinary initiative and lateral thinking from which others could learn.

It was established in 2000 by Pintupi Luritja people to improve the lives of those suffering from end-stage renal failure, and to strengthen families and communities by helping ill people on dialysis to return home to their communities.

The full name of WDD means 'Making all our families well' in recognition of the fact that when people are forced to dislocate to Alice Springs for dialysis, not only are they sick and homesick, but they are missing from their communities. The intention is that by establishing dialysis and support out bush, people can return home, participate in community life and contribute to their families, look after country and pass on their cultural knowledge.

Figure 1. WDD Organisational Structure, Governance, Committees and Major Programs (WDD Website).


WDNWPT DIRECTORS
TANAMI REGIONAL DIALYSIS COMMITTEE
Dialysis Nurses
Vehicle
ALO
YUENDUMU
Patient Support Worker
Patient Mentor
DARWIN
Dialysis Nurse
Dialysis Manager/Nurse
Vehicle
LAJAMANU
LAJAMANU DIALYSIS COMMITTEE
Dialysis Nurse
Vehicle
IN PROGRESS
KIWIRRKURRA
THE PURPLE TRUCK
Dialysis Nurse
Doctor
Social Support
Chronic Disease Co-ord
Dialysis Nurse
Trainees
Wellbeing Project
Volunteers
Clinical Co-ord
Business Manager
CEO
EA
PURPLE HOUSE
RETURN TO COUNTRY
Vehicle
Dialysis Nurses
Social Support Worker
KINTORE
OTHER COMMUNITIES
Dialysis Nurse
Vehicle
NTARIA
Social Support
Dialysis Nurses
Vehicle
WARBURTON
OTHER COMMUNITIES

2. GETTING STARTED

Unable to secure government funding for its proposal to deliver dialysis to people in their communities, a group of Pintupi Luritja (Anangu) people decided to holding an auction of their artist's extraordinary paintings at the Art Gallery of NSW. They raised over a million dollars. This was sufficient to start the organization. Several current Directors helped to paint these pictures.

This independent money allowed the Warlpiri men and women who were eventually to become called 'Directors' to design a service which was ground-breaking; the way *they* wanted it for their communities, rather than the way a similar mainstream service would have had to operate.

Aboriginal people set it up, funded it, proved it worked and were then able to gain support from government on the basis of this success.

From April 2001 to November 2004, WDD entirely self-funded the establishment and management of all its dialysis services. Since then it has continued to seek philanthropic and government funding to support Anangu solutions.

WDD's approach in the early days was to take things slowly. They trialed their approach and services for the first three years, before they went on to become incorporated.

This meant they were able to build strong local control in their early establishment phase. It also meant that they had time to build confidence in their own approach to governance and service delivery.

3. AN EVOLVING REGIONAL NETWORK

WDD has grown into an Aboriginal community-controlled health organisation delivering a comprehensive range of holistic services over a region that has emerged naturally and slowly in response to its success.

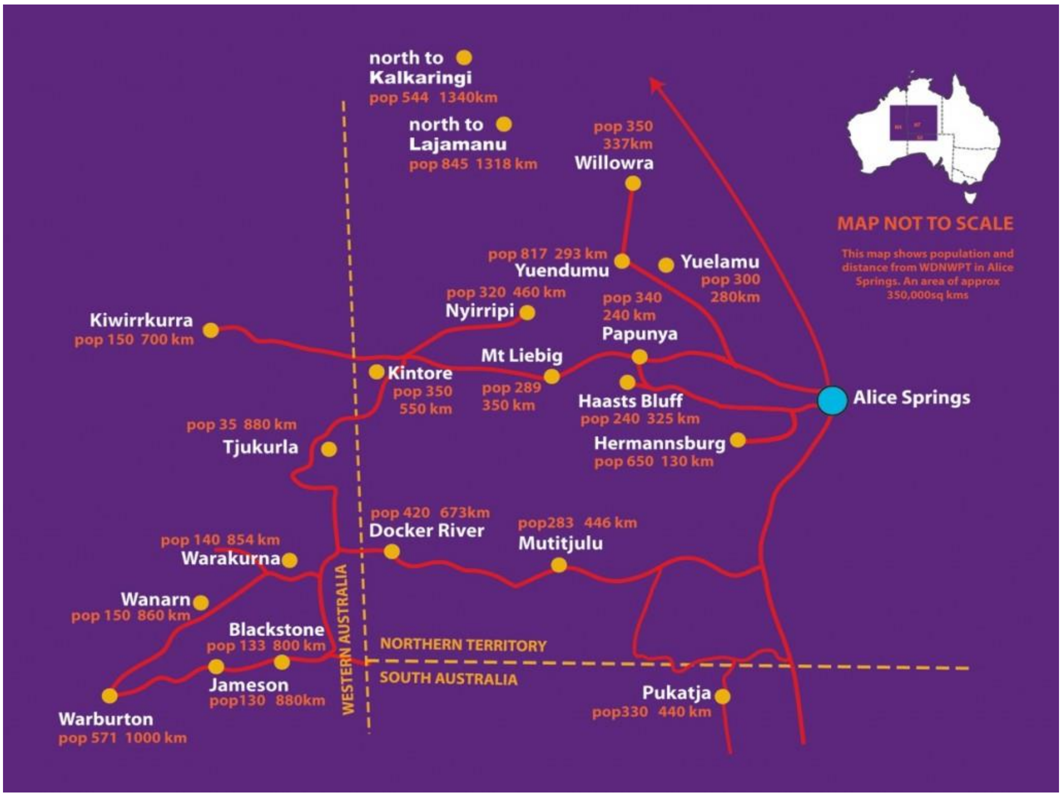
As the organisation proved it could deliver effective high-quality dialysis services within the community, they were approached to extend their operations to other surrounding communities.

But before taking up potential expansion opportunities, WDD did full feasibility studies for each of the likely risks, costs, and workload implications that would need to be addressed.

This has meant that the WDD 'region' has largely developed as a result of self-determined, informed decisions by the Aboriginal Directors based on their consideration of need and risk assessment.

When considering petitions from communities for remote dialysis services, the board considers *'Kuunyi'* (compassion or neediness) and so has sometimes put other communities ahead of their own.

Figure 2. WDD's Evolving Cross-jurisdictional Regional Network (WDD Website).


north to
Kalkaringi
pop 544 1340km
north to
Lajamanu
pop 845 1318 km
pop 350
337km
Willowra
MAP NOT TO SCALE
This map shows population and distance from WDNWPT in Alice Springs. An area of approx 350,000sq kms
pop 817 293 km
Yuendumu
Yuelamu
pop 300
280km
pop 320 460 km
Nyirripi
pop 340
240 km
Papunya
Kiwirrkurra
pop 150 700 km
Mt Liebig
Kintore
pop 350
550 km
pop 289
350 km
Haasts Bluff
pop 240 325 km
Alice Springs
Hermannsburg
pop 650 130 km
pop 35 880 km
Tjukurla
pop 420 673km
Docker River
pop283 446 km
Mutitjulu
pop 140 854 km
Warakurna
Wanarn
pop 150 860 km
Blackstone
pop 133 800 km
WESTERN AUSTRALIA
NORTHERN TERRITORY
SOUTH AUSTRALIA
Jameson
pop130 880km
Pukatja
pop330 440 km
Warburton
pop 571 1000 km

4. DISPERSED REGIONAL GOVERNANCE

WDD has 12 Aboriginal Directors drawn from across its region. Two are dialysis patients and ten are community leaders from Western Desert communities.

Directors must be Aboriginal adults to qualify for membership of the organisation and because the service catchment region crosses WA, NT and SA state/territory borders, Directors may reside in any of these jurisdictions.

Half of the board is elected every year. Terms are 2 years, however over half the board has been involved from the beginning.

This has created a strong and committed governance structure with a good deal of continuity. Because of the dispersed nature of their regional governance, WDD makes a significant financial investment in order to hold regular meetings (approx. $40,000 per year).

5. INGREDIENTS FOR SUCCESS

Its early self-funded and self-determined creation means that WDD is a genuinely culturally driven organisational model with a strong vision and local control. Their strategic plan states:

> *"We will ensure that Walytja (family), Tjukurrpa (dreaming) Ngurra (country) and Kuunyi (compassion) are central to all that we do and say. …*

> *Our biggest challenge has been to develop a model of care which fulfilled cultural imperatives as well as fulfilling the expectations of mainstream health service delivery.*
> *Then the challenge was to gain government support and sustain high levels of excellent service delivery. We did this by constant dialogue with stakeholders, embedding cultural priorities in everything we do and involving patients and their families in designing models of care (WDD website).*

To better inform its members and funding bodies, WDD has carried out systematic monitoring to document and evaluate its activities and future options. It invested $100,000 over an eighteen month period to fund two researchers to carry out qualitative and quantitative monitoring of its services. The result has been the creation of a high standard of clinical health governance:

> *Dr Alex Brown from the Baker IDI Health Research institute in Alice Springs is a world expert on renal health, also an Indigenous doctor and he called the WDD model 'world best practice' for caring for people with end stage renal failure.*
> (See:http://www.westerndesertdialysis.com/wp-content/uploads/2012/08/Strategic-Plan-2012-2017.pdf)

WDD uses this research to assist in its future planning.

Reference Sources

- WDD Website: http://www.westerndesertdialysis.com/

- Indigenous Governance Toolkit:
  http://www.aigi.com.au/toolkit-resources/link-to-toolkit/
  WDD CEO Sarah Brown and Board Director Marlene Spencer talk about how culture and Aboriginal values are woven into the organisation's governance and about the importance of Aboriginal people setting priorities rather than governments.

  http://www.reconciliation.org.au/governance/resource/western-desert-dialysiss-strategic-planning
  Marlene Spencer and Sarah Brown explain how the Board Directors of WDNWPT prioritised and developed a five year strategic plan for the organisation.

3.8 CASE STUDY

WARLPIRI YOUTH DEVELOPMENT ABORIGINAL CORPORATION:

SUSTAINING GRASS-ROOTS ADAPTIVE GOVERNANCE

1. OVERVIEW OF THE ORGANISATION

All organisations go through different life-cycles just like people do; namely, birth, growth, maturity and then decline, hopefully with intermittent periods of revival. Different stages of an organisation's life cycle may require changes in its governance, management and staffing, structure, objectives, strategies, rules, funding and so on.

Across Australia there are now an increasing number of Aboriginal organisations that are 'mature age' having been in operation for several decades. They have gone through different life-cycle stages which have inevitably required them to reassess how they do things and make corresponding changes. Those that have been able to respond to changing opportunities and crises with flexibility, and make informed decisions about where they want to head in the future, have adapted and grown rather than declined.

A good example of the evolving life cycle that organisations can go through, and how those changes can be effectively handled, is found in the Warlpiri Youth Development Corporation (WYDAC).

2. A GRASS-ROOTS BIRTH: 'JUST DOING IT'

WYDAC is a not-for-profit incorporated organisation that is now just over 20 years old. It grew out of the Mt Theo Program that was initiated by concerned residents of Yuendumu in 1993 as a grass-roots outstation rehabilitation program for young people having trouble with petrol sniffing and other substance abuse.

The program goals were to:

1. Provide rehabilitation for young people suffering from substance misuse.
2. Provide education, counseling and care for young people at risk.
3. Provide the courts and police with positive alternatives to prison or juvenile detention.
4. Provide jobs so young people can stay in the community.
5. Keep culture strong through youth leadership and development activities.
6. Record Warlpiri culture using a range of media.
7. Share knowledge and skills with other Aboriginal nations.

From 1994–97 the program operated without government funding, wholly through the assistance of unpaid volunteers, fundraising within the community, some financial and practical assistance from community organisations, and a small grant from the Drug and Alcohol Services Association (DASA).

This was hard, but had distinct advantages. It meant the program could become established according to local Aboriginal priorities and values. It also enabled a strong sense of community ownership and participation which is still apparent today; for example, in the consistent number of people wishing to become Board members.

During that time the program remained unincorporated.

In 1997, in response to the program's proven success, the dedication of workers, and the development of a 'service delivery model', the Commonwealth Department of Health and Aged Care provided financial support to operate Mt Theo for nine months of the year. A Warlpiri woman was employed part-time as Outstation Manager at Mt Theo, and a non-Aboriginal Coordinator was employed at Yuendumu. Many other people continued to work as volunteers.

3. EARLY GROWTH AND EFFECTIVENESS

With its growing local success, the Mt Theo Program was concerned to ensure sustainability and longevity. Government funding was more easily accessible to incorporated bodies, so on the basis of a well-considered risk assessment and operational plan for proposed growth, the Program's Board decided to incorporate.

In March 2000, with expanded government funding, the program was incorporated as the *Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation* and the community established a Warlpiri committee to oversee the newly created organisation.

Slowly, as the program grew in demonstrated effectiveness, it broadened in nature and scope to provide services of youth development and leadership, diversion, respite and rehabilitation in Yuendumu.

With success came requests from other Warlpiri communities to extend broader youth-development services to them as well. Interestingly, at that stage the CEO and Operations Manager had wanted to consolidate rather than expand, and so had developed a draft plan about growth called 'Better not Bigger'.

However, the Warlpiri board decided it wanted to expand from its Yuendumu base to respond to the needs of other Warlpiri communities. The board was adamant about this and sought funding to support the expansion, commenting to management: 'you do the planning – we'll secure the funding'.

As a result, the organisation entered into a phase of progressive growth, with services extended to three other communities: Nyirrpi, Willowra and Lajamanu. It actively and successfully sought additional funding from diverse sources to back this phase.

4. MATURE CONSOLIDATION

Since 2006 the organisation's funding base has grown substantially. Today, it receives funding from a wide variety of government, NGO and community partnership sources, as well as from Warlpiri peoples' own mining royalties via the Kurra Aboriginal Corporation's Warlpiri Education and Training Trust (WETT) project managed by the Central Land Council, and via the Granites Mine Affected Area Aboriginal Corporation's royalty-equivalent funds (WYDAC Annual Report 2011-12).

On 5th July 2008, the incorporated name was officially changed with ORIC to the *Warlpiri Youth Development Aboriginal Corporation* (WYDAC). The name change was made to reflect the organisation's commitment to delivering youth services to several Warlpiri communities; to emphasise that WYDAC is more than an outstation petrol sniffing program; and to further reinforce and reflect its regional Warlpiri identity.

With expansion and consolidation came a growth in staff – with WYDAC now employing approx. 50 staff (35 of whom are full-time equivalent) with 50% being Warlpiri staff and with an additional 300 casual Warlpiri trainees involved in different areas as part of its work preparation program.

5. WYDAC TODAY

Today WYDAC operates in all the Warlpiri communities, running six main program streams:

- Mt Theo Outstation Diversion, Cultural Respite and Rehabilitation
- Jaru Pirrjirdi Youth Leadership and Development Program incorporating Yuendumu Youth Program
- Warra Warra Kanyi Youth Counselling and Mentoring Service
- Outreach Youth Development Programs to the Willowra, Lajamanu and Nyirrpi communities
- Yuendumu Community Swimming Pool
- Mechanic Training Workshop
- Housing & Infrastructure Program

The organisation's independent approach to starting up innovative outreach services has continued. For example, reminiscent of its early establishment, the Jaru Pirrjirdi Program was not funded by government, so a philanthropic organisation was approached and provided pilot funding for two years. And like their early initiatives, such were the successful outcomes of Jaru Pirrjirdi Program that governments subsequently provided additional further funding.

Being viewed as a substance abuse program initially hampered WYDAC's move into working with young people on mental health issues. The Board and management had identified that substance abuse and antisocial behaviour were often linked to mental health, and so started a mentoring program for young people. Excellent outcomes later enabled WYDAC to successfully seek specific funding for the Warra Warra Kanyi Youth Counselling and Mentoring Program.

6. ADAPTIVE GOVERNANCE TO MEET CHANGING NEEDS

Not surprisingly, WYDAC's governance has changed and adapted in important ways to respond to its regional expansion and service innovations.

No longer a single community-specific program, the organisation needed to develop a more formalised governance structure in order to reflect the broader membership of the regional Warlpiri communities.

While the national *CATSI Act,* under which WYDAC is now incorporated, sets a maximum number of 12 board members for Aboriginal Corporations, the service area for the Mt Theo Program already effectively covered the wider Warlpiri region and so the program's governing committee at that time numbered over 60. On the basis of an expansion of 'youth development' programs to other Warlpiri communities, the organisation sought an exemption from the ORIC maximum rule.

With approval of the exemption, WYDAC can now have up to 50 board members (known as Directors), with a minimum of 11. Nyirrpi, Lajamanu and Willowra currently have a minimum of 3 representatives each (including 1 youth representative) on the Board, but can have more provided the 50 total WYDAC board members is not exceeded.

Directors are elected for a two-year term, but can be reappointed if they choose to. As a result, some Directors have been members of the board for over 20 years, contributing important continuity of corporate knowledge and experience to the organisation.

There is great pride and commitment amongst Directors about the work of the organisation and its success which is evident in board attendance. In the last 10 years, the CEO has never had to cancel a meeting, or failed to get a quorum.

Today, the WYDAC region covers over 220,000 sq. kms which makes for considerable challenges in bringing the full Board together. WYDAC has always had an Executive Committee of five members who have 2 year terms. The Executive has taken a more active decision-making role in recent years as the organisation's workload has grown and it has needed more regular decision-making for particular matters (e.g., such as grant application documents).

The five Executive Committee members become office holders and are elected at the AGM; they are often residents who are elected for their level of authority and knowledge, existing length of involvement in the program, or are fluent in both Warlpiri and English. As such, they act as interpreters for other members who may have less familiarity of written English, governance, or organizational policy and procedures.

WYDAC has been an organisation that does things its own way. For example, rather than relying on a traditional board structure with one chairperson, members decided to have two Chairs. This strategy has remained an integral part of WYDAC's governance:

> *WYDAC has two Chairs – one male and one female. This is an appropriate board structure in the Warlpiri cultural context. Each chairperson will take it in turns or decide between themselves as to who shall chair Board meetings. If neither person is available nor wishes to chair the meeting; the deputy chair shall chair the meeting. If the deputy chair does not wish to chair the meeting the members can select a chair for that particular meeting. The CEO co-chairs the meetings*. (WYDAC Website).

At members' request, WYDAC also implemented a highly valued cultural innovation for its Board membership. In recognition of the fact that the foundation Mt Theo Program was set up on the lands of the traditional owners (TOs) of the Mt Theo (Purturlu) country, those TOs are eligible to become a Director and can self-nominate at AGMs and are automatically declared elected to the Board. They can opt out of being a Board Member at any time.

Accordingly, in April 2012, 12 Board Members were TOs. There are currently 11 TOs of Mt Theo (Purturlu) country have a strong voice when it comes to discussing the Mt Theo program stream, which acknowledges their cultural authority and responsibility.

7. SUSTAINING GOVERNANCE

WYDAC prides itself on having a strong form of 'two-way' governance where Aboriginal and non-Aboriginal people work as a team. To reinforce that valued approach, the board has guiding 'principles' to inform its decisions. These are based on Warlpiri laws, culture, language and aspirations, as well as knowledge of western corporate governance.

The organisation has turned to video technology to help address communication between the board and community residents over such a wide region. It has extended this approach to governance training, recently completing a DVD for Board members that describes its governance principles and processes, and what makes an organisation strong.

The governance DVD is said to have had several important advantages: Firstly, it was a popular project, with Directors and staff all involved. Secondly, it proved to be an effective way of enabling the Board to be actively involved in articulating WYDAC governance and in doing so, better understand their roles and responsibilities and those of management and staff. Thirdly, it was useful in explaining the governance arrangements and approach to Warlpiri residents across the region. And fourthly it has been used to promote the organisation and its governance effectiveness to external stakeholders.

WYDAC plans to make more of these videos both for training and communication purposes (for example, to explain the various steps and rules that must be followed before and during the annual general meeting), but requires additional funding to do so.

WYDAC has taken a special interest in the potential of young people to become involved in future governance. Part of their 2011-21 Strategic Plan advocates having: "Young people developed as community leaders and representatives on local Boards".

This goal has been actively pursued. Today, the WYDAC Executive has two youth representatives under 25 years old with full voting rights sitting as members of the Executive. Young members had been on the Board committee for several years, but not the Executive. The Board wanted young people to step up to more active, regular governance leadership and so asked for nominations for two Executive positions.

The concrete value of this is seen in the fact that the youth representatives have attended every meeting so far. In effect they are getting governance professional development 'on-the-job' from senior board members, and that is having noticeable results for them.

One very positive example cited was the growing confidence of the youth reps in participating in board discussions, and becoming more adept not only in the board's consensus-style decision making process but also in introducing their own ideas. "I watched that old man and that's what he does", said one young Executive member (pers com. WYDAC CEO).

As WYDAC expanded its services and coverage, its organisational structure and related administrative and staffing arrangements also had to adapt to better support its governance and service growth. This has required considerable collective thought, planning and implementation. In other words, lots of hard work – team work and leadership.

Today the organisation runs youth development programs in five community locations (Yuendumu, Nyirrpi, Lajamanu and Willowra) and still includes their foundation program of cultural rehabilitation and diversion located at Mt Theo. To deliver these, it has developed a relatively standard administrative structure, with a main office in Yuendumu and regional 'office' spaces and program staff located in the other communities. Staff housing remains a problem in Yuendumu where base operations are located

WYDAC emphasises that the key to effective governance lies in the close working relationships between staff and Board members, and the effort put into internal communication. Linking in with their emphasis on the need for strong 'two-way' approach between *kardiya* (non-Aboriginal people) and *yapa* (Aboriginal people), the staff and board see cross-cultural understanding and relationships as being a core part of the organisation's identity.

One of the ways it does this is by encouraging the Chairpersons and other Directors to come into the organisation to 'talk story'. Some of the things that might be discussed are the progress, strengths or weaknesses of different programs, issues in the community, and ideas about the future direction of WYDAC.

This means that many Board members feel involved in the overall workings of the organisation in an informal capacity. It also means that the Board are not making decisions about services and programs from the boardroom table without first having a yarn with the people who are delivering the services or managing the programs on a daily basis.

8. RECRUITING AND RETAINING MANAGEMENT AND STAFF

> *One of the strengths of WYDAC effective governance lies in the close working relationships between the Management, staff and the Board* (Website).

WYDAC has a strong track record of attracting and retaining highly professional, committed staff and CEOs. And this appears to have been an important factor in its effectiveness. Many staff have been at WYDAC a long time. For example, the current CEO has been with the organisation for 10 years and is only the third CEO in its 20 years of operation. The General Manager has also been with the organisation for 10 years.

WYDAC has initiated a series of surveys – of its staff, clients, and stakeholders – and recently conducted the second one with staff. 98% reported they were 'satisfied' to 'extremely satisfied' with their role/work in WYDAC. 100% stated they were very very proud of working for the organisation.

In contrast, turnover of staff is a fact of life for most remote Aboriginal organisations. Sometimes the turnover is either so high or the position so critical that it has negative repercussions within the organisation and wider community. There seem to be several factors behind WYDAC's staff stability and commitment.

1. Over the years the organisation has developed a rigorous approach to interviewing and vetting prospective staff.

2. It carried out its own internal research into factors involved in successful recruitment and retention, and identified the issue of personal 'resilience' as a critical indicator of capacity to fit into the culture and remote work. As a result, the organisation now tests out this issue in their interviews with potential new staff.

3. Every staff member has a three month probation where they are closely supervised and assessed.

4. New staff receive a comprehensive induction spread out over their first week where they must come to grips with their terms and conditions of employment, and cross-cultural knowledge, relationships and behavior needed for living in a remote community.

   WYDAC runs a formal Mentoring Program where new staff are assigned a cultural mentor from the board. Each program and community has cultural mentors who are paid to advise and guide the non-Aboriginal staff

5. WYDAC has gone further than most organisations in the extent of its care for staff who are working in a highly challenging context. They have retained the services of an Alice Springs consulting psychologist who is available to all staff to provide independent counseling support and attends their monthly staff meetings. This is an exceptional initiative and apparently really appreciated by staff.

6. Communication amongst program staff and with management is strongly supported by monthly team meetings. Staff from Nyirrpi and Willowra come to every monthly meeting. Staff from Lajamanu, which is further away, come to every second monthly meeting.

7. Staff are encouraged by the Board to attend their meetings to observe, present updates on their program areas, and answer questions. This enables staff to understand how and why board decisions are made, and be prepared for participation in its implementation. It keeps the board informed on specific program areas and allows them to have in-depth discussion of issues as needed. It is also used by the board as an opportunity to affirm the work of staff, and so has helped to build solid rapport between board and staff.

Interestingly, the CEO noted that over recent years the number of applicants for vacancies has increased markedly, as has the level of qualifications of those applying. This may be the case more broadly for other organisations, but it may also be partly because of the organisation's public reputation as being a organization that people like to work for. This means the organisation has a bigger pool of applicants to choose from.

9. INGREDIENTS FOR SUCCESS

There are several factors involved in the organisation's resilience, effective performance and overall success:

- A critically important factor is its community-based history and continued community support. The organisation was created because local people in one community wanted to do something to make a difference for their kids. It was a home grown initiative with a strong sense of local ownership of a local agenda.

- WYDAC's history shows it has been proactive at important times in its organisational life cycle. It has not waited for external funding to do what needs to be done. Rather it has harnessed the strengths and contributions of Warlpiri people and staff, and their shared commitment to improving the lives of young people.

- There is an extremely positive internal culture operating within the organisation based on mutual respect, intercultural values, fun and pride. Staff, the Warlpiri board, workers and volunteers are held in high regard by communities and outside agencies.

- There are robust mechanisms for recruiting, inducting and subsequently providing significant ongoing support to staff. As a result, they have been able to select and retain high calibre people.

- Warlpiri staff are prioritised in all recruitment. WYDAC aims for a minimum of 50% of staff to be Warlpiri from the five communities. This allows for a positive combination of local and acquired skills in all teams.

- The Board has stability and is provided with governance-development and training opportunities.

- There is a clear understanding and commitment across the board, the CEO and staff to the organisation’s core business.

- Senior management, staff and the board engage in active and very hard-headed identification of potential risks and how those might be managed.

- Expansion and growth has been carried out in tandem with substantial internal planning and evaluation of implementation.

10. FUTURE CHALLENGES

WYDAC has sustained considerable growth over recent years. It has identified several areas of future challenge:

> *In managing this growth we must be mindful of the stresses and strains it can place on staff and our management systems. To ensure we can continue to achieve positive results we must redouble our efforts to strengthen our systems and our staff [and] facilitate training in governance, financial management and the organisation’s quality systems for all board members.* (WYDAC Strategic Plan: 20).

Staying responsive is another challenge it has identified; especially in terms of being able to flexibly respond to the needs of young Warlpiri people as those emerge.

Managing the shift from a program dealing specifically with petrol sniffing, to a comprehensive program of care for young people continues to be a challenging one. As young people seek more opportunities for learning, employment and leadership, WYDAC has needed to extend its ways of thinking. This involved moving from being driven by a short-term ‘crisis’ approach, to building a more long-term community development program. To do that, the organisation has carried out intensive planning to drive new ways of working.

One consequence of this process was the establishment in 2002 of the Jaru Pirrjirdi (Strong Voices) Youth Leadership and Development Program, that focuses on cultural strengthening as the basis for meaningful futures.

Success brings its own risks. The organisation recognises that it can’t do everything and so has been considering how to make better collaborative use of other services and partnerships. In particular, increased services means increased staff which then immediately leads to increased demand for scarce housing, vehicles etc.

All of this has implications for management workload and administrative capacity, and the organisation has recognised that there may be a tipping point where workload pressures could become unsustainable.

Senior management points out that it is important within any organisation to ensure that extension of services and functions are backed up by adequate data and administrative systems, and that this should be built into all growth scenarios and be addressed early.

Finally, it is recognised that the positive 'two-way' cultural balance which has provided such a strong foundation of resilience for the organisation does not simply continue by itself, but needs to be actively nurtured and promoted.

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3.9 CASE STUDY

THE YARNTEEN GROUP:

AN INCUBATED 'FAMILY' OF ORGANISATIONS

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1. INTRODUCTION TO THE ORGANISATION

The governance of some community and regional organisations is structured like a big family, with service and business arms having grown out of a 'mother' organisation.

In such cases, the Aboriginal values of 'family' are used to reinforce close relationships of respect, working together, 'looking after' and mutual learning.

Membership of the boards of such organisations can be based on kin relationships and extended family ties; or simply use the 'family' concept to promote a preferred relationship between a group of organisations.

This is the case of Yarnteen Aboriginal and Torres Strait Islander group of organisations in Newcastle, NSW. Yarnteen has been an exceptionally successful organisation – in its governance, cultural outcomes and business ventures - over a long period of time. So there is much to be learnt from how it has designed its governance and responded to challenges as its family of related organisations has grown.

Yarnteen's core objectives have remained consistent since its establishment.
They are to:

- Build wealth through sustainable enterprises and investments to increase opportunities for greater Aboriginal participation in the business sector.

- Create pathways and opportunities for skills development and contribute to closing the gap in unemployment.

- Enhance Aboriginal youth cultural leadership and increase appreciation in Aboriginal culture for all Australians.

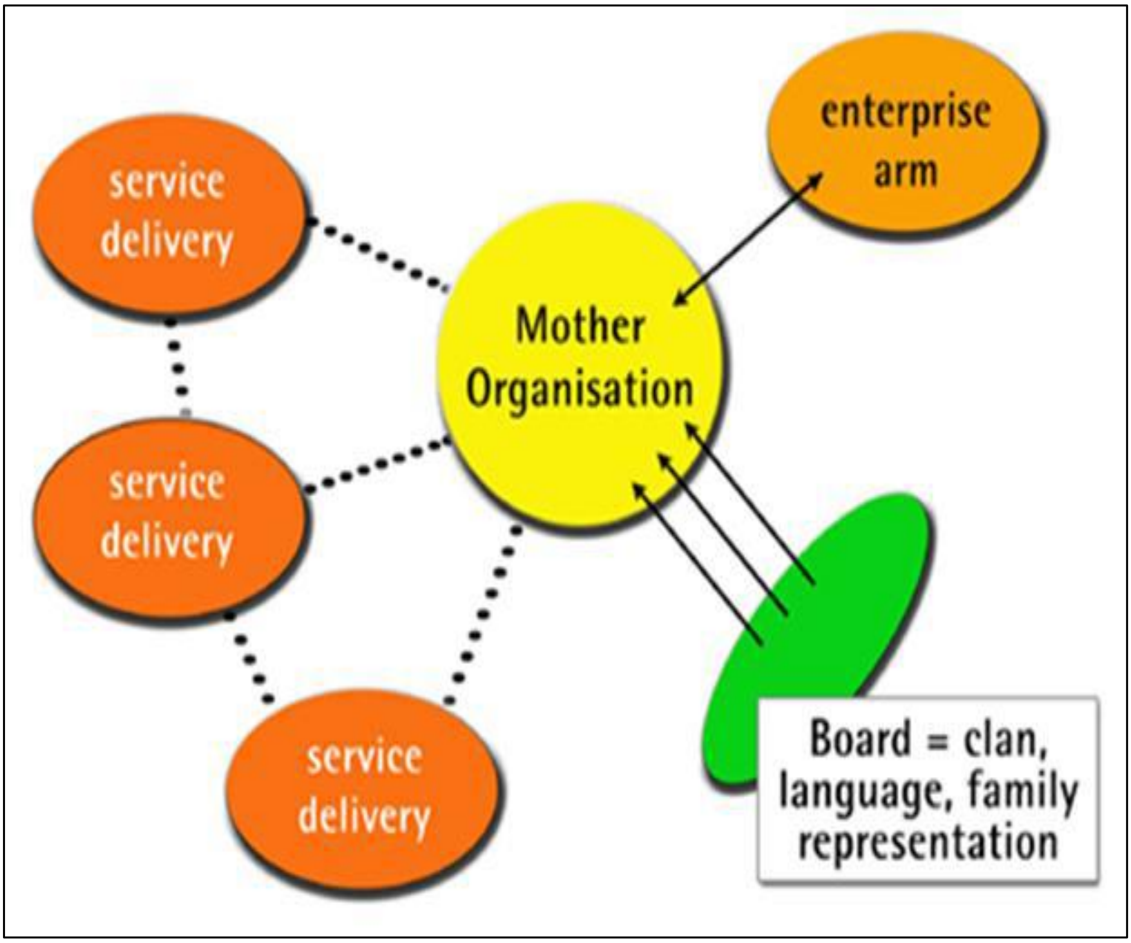
- Develop respectful relationships between non Aboriginal Australians and Aboriginal people for shared outcomes and benefits.

2. AN INCUBATED ESTABLISHMENT

The Yarnteen Group is a well-established conglomerate or network of closely related organisations which have been incubated into existence by a founding 'mother' organisation, Yarnteen Aboriginal and Torres Strait Islander Corporation. And Yarnteen Corp was itself established in 1991 through just such a facilitated incubation process.

The earliest incorporated organisation in Newcastle was the Awabakal Aboriginal Co-operative Ltd established in 1976 as a response to the unmet service and employment needs of the growing number of Aboriginal people who had migrated to Newcastle in the 1960–70s. It focused on community development initiatives and started several long-standing housing, health, welfare, economic and training initiatives.

Figure 1. A 'Family' of closely related organisations; Hub and Spokes Variation.



The Co-op also played an extremely important role as the incubator of other organisations which now undertake important roles in the town.

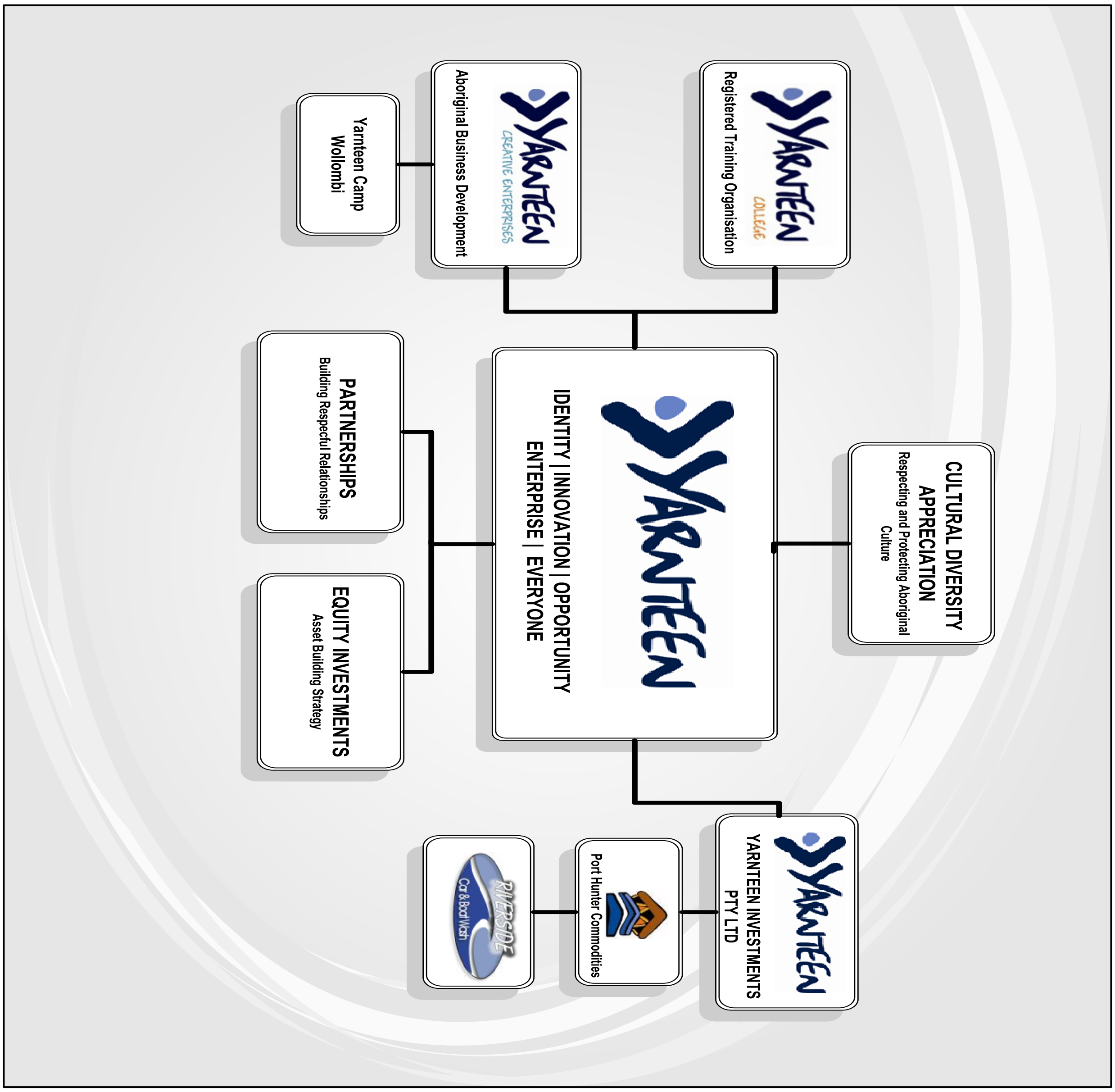
Because some of these ‘younger’ organisations have been incubated by older, apical organisations, and then gone on to produce or incubate other organisations there is, in effect, a ‘genealogical connection’ between all the organisations who support each other’s work and goals.

Yarnteen had its beginnings in the Awabakal Co-operative. An early internal review by Co-op leaders led to several of its functional programs being ‘farmed out’ to new organisations that were especially established to take on the program roles.

These organisations were incubated and subsequently mentored by the Co-op until they became independent service-delivery organisations in their own right. Yarnteen was one such incubated organisation, becoming incorporated in June 1991.

The leadership of the Awabakal Co-op stayed closely involved in supporting the early operation of Yarnteen and its emerging leadership. This process of organisational mentoring and incubation worked extremely well and has become a signature feature of Yarnteen's own organisational growth.

Figure 2. The Yarnteen Family of Organisations.


YARNTEEN
IDENTITY | INNOVATION | OPPORTUNITY
ENTERPRISE | EVERYONE
YARNTEEN COLLEGE
Registered Training Organisation
YARNTEEN CREATIVE ENTERPRISES
Aboriginal Business Development
Yarnteen Camp
Wollombi
CULTURAL DIVERSITY
APPRECIATION
Respecting and Protecting Aboriginal Culture
PARTNERSHIPS
Building Respectful Relationships
EQUITY INVESTMENTS
Asset Building Strategy
YARNTEEN
YARNTEEN INVESTMENTS
PTY LTD
Port Hunter Commodities
RIVERSIDE
Car & Boat Wash

In 2007, after considering its expanding business ventures, the Yarnteen board members unanimously agreed to the transfer of its incorporation of Yarnteen ATSI Corporation over to Yarnteen Ltd, a company limited by guarantee.

Yarnteen Ltd is a not for profit company whose object is to provide Aboriginal people with training and employment opportunities to provide relief from unemployment. Since the beginning, Yarnteen has achieved significant advancement, to achieve their aim to become a *"Full free agent in our own development."* (W. Jonas; 1991:12, Report, Four Successful Aboriginal Organisations).

3. GOVERNANCE FOR CULTURAL DIVERSITY

3.1 A complex urban community

The Aboriginal community of Newcastle is very complex, comprising numerous extended family groups who have their Aboriginality in common, but who have moved, at different times, away from very culturally diverse communities across NSW, to resettle into Newcastle. And while they have settled in Newcastle, many continue to maintain close relationships with 'home' communities and family relations in NSW.

Accordingly, Yarnteen Corporation's governing structure was designed as:

> *… an important strategy to achieve the long-term objectives and economic self sufficiency of the organisation. Our number one priority was to have a governance structure that was sensitive to and compatible with the cultural diversity and interests of our community, but importantly that offered stability and contributed to good governance rather than undermining it* (Armstrong 2003).

3.2 A core stable governance structure

Yarnteen wanted to avoid the problems that other urban organisations had experienced by having open-ended, amorphous community participation that had lead to unwieldy representative structures. They had also witnessed first-hand the debilitating effects of community politics on the governance of earlier NSW co-operatives and Local Land Councils which were seen to have wasted valuable financial assets because of factionalism and disputes.

As a result, Yarnteen Corporation focused its governing structure on a core group of large extended families in Newcastle who had well-established connections with each other.

In 1991, a Yarnteen Management Committee was established which represented four major extended family groups who had resettled in the Newcastle-Hunter region and 'adopted' the town over several decades.

The Management Committee started with 10 members, and is now called the Yarnteen Board of which there are now 8 members. New representatives on the board are nominated and selected from three large extended families.

The tight 'family' representative model appears to have directly contributed to remarkable stability within the governing board. Six out of the 8 people are foundation members of the organisation.

3.3 An experienced board

The Board of Directors meet quarterly to consider planning and program development issues, examine new investment opportunities, manage existing investments and formulate policies which are enacted through the direction of a strong leadership team.

Its leaders are both male and female. They have strong links into the local and regional Indigenous community, and extensive networks into the state and national leadership. Several have national experience on representative organisations, councils and boards. They are extremely well qualified and experienced in their management, governance and financial expertise.

4. THE YARNTEEN GROUP –FLEXIBLE, INCUBATED GROWTH

Over the years as Yarnteen has grown, it has retained operational flexibility by routinely reviewing its strategic direction and so regrouping or diversifying its structure accordingly, to respond to changing economic and commercial conditions.

Just as Yarnteen Corporation was itself incubated into existence by a mature organisation, as it has grown and taken up opportunities, it has incubated a variety of offshoot organisations using several different organisational strategies:

- some are separately incorporated organisations;
- others are wholly-owned business subsidiaries; and
- others are non-incorporated centres and units operating with the Corporation.

They collectively form part of what is called the Yarnteen "family of organisations" or the "Yarnteen group" (see Figure 2).

For example, in 1993 Yarnteen commenced and developed a highly successful CDEP scheme which, up till 2002, had placed over 200 participants into full-time traineeships and apprenticeships. In 2002, it devolved the program as a new project to a unit within Yarnteen.

That unit subsequently became a separately incorporated organisation called Youloe-Ta Indigenous Development Association (which is now also referred to as the Aboriginal College. See Figure 2); albeit one still closely mentored, supported and supervised by Yarnteen leaders and staff.

Youloe-Ta became one of the largest CDEP's in NSW with up to 266 participants, and today operates an Indigenous Employment Centre (IEC) which has placements for 50 participants.

in 1994, Port Hunter Commodities was established and commenced trading as a wholly owned subsidiary commercial company of Yarnteen Corporation.

PHC provides bulk storage for grains, protein meals and fertilizer in three modern bulk warehouses with storage capacity for 70,000 metric tonnes. Its specialised port storage and handling service has an experienced Aboriginal and non-Aboriginal workforce, and a quarantine management system that provides a premium service for both import and export markets.

It is one of a few major export/import and distribution facilities with Australian Quarantine approval in Newcastle. In 2007, Port Hunter Commodities won the Australian Bulk Handling Award – Supplier of the Year (Small Enterprise).

In 2005, Yarnteen Investments Pty Ltd trading as Riverside Car and Boat Wash, was established as a wholly owned subsidiary. Riverside Car and Boat Wash offers a modern eco friendly car and boat wash in the coastal town of Port Macquarie NSW.

Such has been Yarnteen's success in incubating its own off-shoot organisations that it started a Small Business Assistance and Incubation Program, assisting several Indigenous small businesses to get established.

5. COMMITMENT TO BUILDING IN-HOUSE CAPACITY

A hallmark of Yarnteen's well-considered growth and effective performance has been its early and sustained commitment to building the professional and business capacity of its board members, managers and staff, and Aboriginal clients.

To do this it has been both proactive and innovative in creating its own in-house training and education initiatives.

For example, what started as a small training unit focusing on CDEP clients back in the early 1990s has been transformed today into the Yarnteen College, a Registered Training Organisation that aims to increase access and quality participation in Vocational Education and Training for Indigenous Australians equal to those of the rest of the community.

Yarnteen College provides accredited and non-accredited training which recognises and has adopted the principles for Vocational Education and Training for Aboriginal and Torres Strait Islander People as set out by the NSW Board of Vocational Education and Training.

In 2006, Yarnteen strategically acquired a large well-appointed, renovated building to accommodate the Yarnteen Creative Enterprise Centre**.** Yarnteen sought out a diverse range of private sector and government partners to enable it do to this. The Centre was funded by the Commonwealth Department of Education, Science and Training (VET Infrastructure for Indigenous Peoples program); Department of Transport and Regional Services (Regional Partnership program) and Microsoft (Unlimited Potential program. Substantial capital funds were also provided by Yarnteen itself.

The YCEC objectives is to provide a culturally friendly environment for the delivery of both accredited and non-accredited training; promote Aboriginal businesses, showcase creativity and build connections with the Newcastle business sector for the purpose of assisting local Aboriginal people to find pathways to sustainable employment. The Centre also provides education and training pathways for students to other educational institutions, particularly TAFE and the University.

6. INGREDIENTS FOR SUCCESS: GOVERNING FOR ECONOMIC *AND* CULTURAL OUTCOMES

The governance model has been held up as a benchmark for Aboriginal community and enterprise development. Its success has been attributed to several factors including: its vision, stability, cohesiveness and the co-operation it has been able to generate from all sectors of the Aboriginal and wider community.

6.1 Leadership

Yarnteen's leadership (both at board and management levels) is of a very high quality and has been a critical factor in the success of its governance for economic development:

> *We pride ourselves on maintaining a good governance structure in order to achieve our goal to empower Aboriginal organisations and individuals.* (Yarnteen Website).

One important advantage of the board stability appears to be the creation of considerable governance 'capital' (like a bank of money) on which the organisation can draw to see it through challenging times. For example:

- board members have been able to build a strong shared commitment to the organisation's long-term economic vision;

- the board is seen to have considerable legitimacy in the eyes of its members and staff;
- there is a solid foundation of trust and openness that has been progressively developed within the board;
- there is a collegial relationship of partnership and honesty between the board and senior management (many of whom are also long-term employees of the organisation);
- a decision-making process has developed over time that is familiar and reliable; and
- board members can fall back on their ability to build consensus with each other to resolve problems and make hard decisions.

6.2 Partnerships and networking

To support its focus on economic independence, Yarnteen deliberately made contacts with the wider business community in Newcastle. It:

> *… saw the need to become a player in the mainstream economy of our region. This was an important strategy to ensure the sustainability of our organisation, to move away from government funding, and to create long-term employment for our people.* (Yarnteen Website).

Yarnteen's success so far is well reflected in the partnerships and relationships formed not only with other Aboriginal community organisations, but also with mainstream businesses in Newcastle, larger companies and government agencies. For example, it has negotiated partnerships with Microsoft, IBA, Social Ventures Australia, and Reconciliation Australia.

6.3 A strong internal culture

Yarnteen's leaders have consciously and persistently promoted an internal culture of good governance and institutional strength (i.e., shared values, standards and behaviour) within the group of organisations, amongst staff and managers. This has greatly contributed to its resilience and solid business reputation.

This 'internal culture' actively promotes a particular set of norms, including fairness, mutual respect, the value of personal contribution, accountability and teamwork in the work environment, and a shared commitment to the organisation's long-term success and autonomy.

This internal culture includes Aboriginal humour, a decision making style that resonates with Aboriginal consensus and conflict mediation processes, and the perception that all members of the organisation—from board members to young staff—are 'one family'.

These characteristics are regularly said by people to be valued qualities of the organisation's 'cultural identity', and are promoted in a way that reinforces collective support for the organisation's style of governance as being Aboriginal and therefore legitimate.

6.4 Business expertise and renewal

The networked governance model for the Yarnteen Group has been held up as a benchmark for Aboriginal community and enterprise development.

Yarnteen advocates that the way forward for people in Newcastle is to continue to place emphasis on the economic empowerment of Aboriginal communities, families and individuals which enables the development of financial independence. It believes in empowering families and youth through participation in education, employment and business development opportunities which enable them to make informed decisions about the future.

To do that it has developed a style of operating which it calls ‘restless renewal’.

It routinely reviews its own governance and organisational performance as well as strategic direction, evaluating risk and competing options before it expands or diversifies its structure. But at the same time, it routinely looks at its wider operating environment to assess potential opportunities and respond to changing economic and commercial conditions.

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3.11 CASE STUDY

THE YIRIMAN PROJECT:

ORGANISING AND AUSPICING COMMUNITY PRIORITIES

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1. OVERVIEW OF THE PROJECT

The Yiriman Project in the Kimberley region of Western Australia won the Reconciliation Australia 2012 *Indigenous Governance Awards* (IGA) in Category B: "Outstanding examples of Indigenous governance in a non-incorporated initiative or project".

It has been described as being:

> *One of the country's most innovative community-based programs dealing with one of the countries most pressing social policy challenges: the future for Indigenous young people living in remote Australia.* (D. Palmer, Yiriman Evaluation 2011: 11).

A fundamental aspect of the Yiriman Project is that it was a community-driven initiative with a clear vision and objectives. Getting improved outcomes for kids was more important to community people than setting up complex incorporated structures. So they worked with existing established representative and service organisations and partners who provided expertise in administrative and financial management, whilst local Aboriginal people drove the strategic direction and decision making; that is, the governance of Yiriman.

2. GETTING STARTED – A COMMUNITY ORGANISED INITIATIVE

The Yiriman Project is an Aboriginal non-incorporated organisation of four Kimberly language groups — Nyikina, Mangala, Karajarri and Walmajarri who form a culture block, having similar cultural, geographical, language and kinship ties. The traditional lands and communities in which these groups reside cover a vast region stretching from the coastline south of Broome, inland to the desert areas south and just east of Fitzroy Crossing.

The concept for the initiative arose out of concerns amongst community elders for their young people, who were facing increasingly serious issues such as self-harm, substance abuse and the loss of cultural identity.

The elders saw the need for a way for youth to separate themselves from negative influences and, through the care and guidance of older generations, reconnect with their culture in remote and culturally significant places. In that respect, the concerns were similar to those that gave rise to the Mt Theo Program in Yuendumu (see the Warlpiri Youth Development Aboriginal Corporation, WYDAC case study in this report).

Persistent campaigning by community leaders over several years gave rise to an initiative that became known as the Yiriman Project that was 'established' in 2000.

Variously described as a "youth diversionary program", a "cultural maintenance project" and "a way to heal young people, heal country and heal community", Yiriman is an intergenerational "on-country" cultural initiative, conceived and developed directly by elders from the four language groups.

The Project was initially implemented in Jarlmadangah Burru Aboriginal community, and is currently based in Fitzroy Crossing, Western Australia.

3. AUSPICED ESTABLISHMENT

Definition: 'Auspice' means: protect, endorse, patronage, umbrella, guidance, support, sponsorship, supervisions, keeping, care, backing.

The operational phase of the Project was auspiced by the Kimberly Aboriginal Law and Culture Centre (KALACC) — a not-for-profit organisation concerned with the social and cultural wellbeing of Aboriginal people across the Kimberley. Via KALACC, the Project secured funding support from government.

The Project continues to be auspiced and facilitated by KALACC which attends to issues of financial management, staff employment, communication, reporting and acquittals.

4. DECENTRALISED NETWORKED GOVERNANCE

Yiriman has its own project governance structure which is quite independent of KALACC's incorporated governance structure.

Elders and community leaders from the four founding Yiriman language groups have combined to form a Yiriman Reference Group. This is a small networked group which meets two or three times a year to provide ongoing guidance and direction to the Project.

In addition, there is a larger Cultural Advisory Group which meets once a year for major annual planning meetings.

A strong element of the Yiriman Projects' approach to decision-making and governance is the way it carries out what one staff member has described as "local level governance". When dealing with the specific needs and interests of different language groups and when in close proximity, staff seek out and receive strong direction from key 'bosses'.

5. STRATEGIC PARTNERS AND FIELD STAFF CRITICAL

Because Yiriman operates in remote areas of the Kimberley it would not be able to function as a project without tremendous help from a range of partner organisations.

These partners include:

- KALACC;
- the Kimberley Land Council with whose Rangers the Yiriman Project regularly partners to undertake 'back to country' trips;
- Murdoch University in order to undertake a three-year independent review and evaluation of Yiriman; and
- various government and private sector funding bodies.

Employing local people in remote communities has helped resolve some of the Project's problems in sustaining contact with these communities from the Fitzroy Crossing base. So too has the strategy of taking a 'mobile office' out to these locations.

6. INGREDIENTS IN EFFECTIVENESS

> *Yiriman's governance works because there is and always has been a very clear sense of who established the project, why they established the project and what they want the project to achieve.* (ttp://www.kalacc.org.au/youth-projects/yiriman-project).

The Indigenous Governance Awards Chair and award judge, Professor Mick Dodson, who visited the Yiriman Project in August 2012, said:

> *The Yiriman Project is addressing a vital community need in an innovative, well-structured and cost-effective manner. They have clear and effective ownership by the elders with strong cultural underpinning—it's a model that could be replicated in other parts of the Kimberley and the country at large.* (www.reconciliation.org.au/governance/case-studies/the-yiriman-project).

Gary Banks, Chairman of the Productivity Commission and board member of Reconciliation Australia, also visited the Project as an IGA judge. He later stated in an article he wrote for The Australian newspaper that:

> *What has made the Yiriman Project so successful is that the solutions that have been devised and implemented have involved whole communities and families. The project is grounded in an understanding of the problems and the solutions, something that is hard to achieve from Canberra or the capitals* (G. Banks, Indigenous Governance Awards, Judges Comments, Reconciliation Australia website).

To sustain an effective Project, elders and KALACC have had to be innovative and design solutions for challenges as they have arisen.

For example, communication regarding Yiriman Project business with Aboriginal bosses across a large region has always been a challenge. Staff workers accordingly shifted their geographic location to Fitzroy Crossing, to better accommodate the need for ongoing contact with communities and the decentralised Reference Group.

The auspicing arrangement has been very effective, but highlighted the early need to formalise more regular and structured meetings between Yiriman staff, KALACC management and Yiriman bosses in order to improve communication and resolve issues face-to-face.

The daily demands placed upon staff have increased as a result of the dispersed nature of the governing leadership group and need for ongoing community consultation. KALACC and Project elders agreed on instituting ways of providing professional and personal support to staff suffering stress associated with isolation and high workloads. Furthermore, it became critical for field staff to maintain work plans and provide regular reports on their activities so that everyone involved could be kept up-to-date with issues and progress.

Reference Sources

- Yiriman Project Website: www.yiriman.org.au

- KALACC website: www.kalacc.org.au/youth-projects/yiriman-project
- Reconciliation Australia: www.reconciliation.org.au/governance/case-studies/the-yiriman-project
- Indigenous Governance Toolkit Video
  http://www.yiriman.org.au/yiriman-story/

  How Yiriman Got Started:
  http://www.reconciliation.org.au/governance/resource/how-the-yiriman-project-started

  Yiriman involving young people:
  http://www.reconciliation.org.au/governance/resource/video-involving-young-people-2
- D. Palmer, Yiriman Evaluation, on Yiriman website: www.yiriman.org.au

Part Four

What Kind of Models?

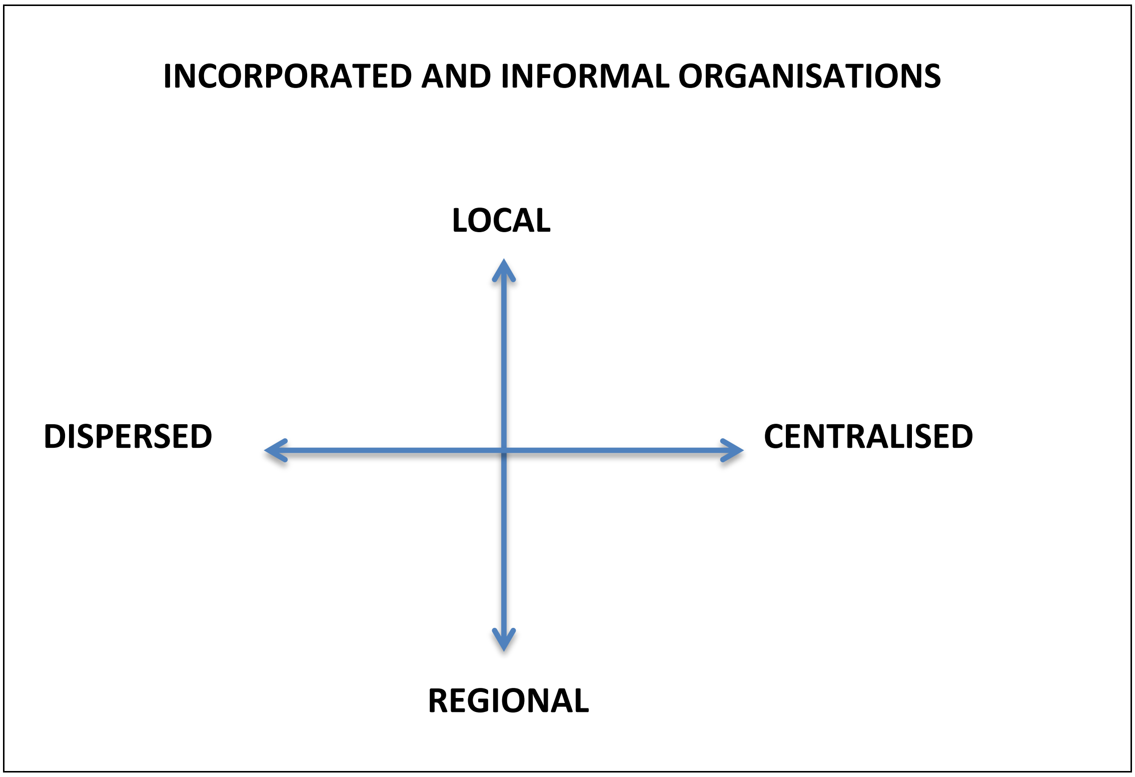
Structures of Organisational Governance

The case studies and the author's own research confirm there is considerable innovation by Aboriginal people in designing structural solutions for contemporary governing arrangements to achieve their aspirations and goals.

These solutions range from:

- informal (unincorporated) collective organisation of action within a single community;
- small localised groups who formally incorporate under state or national legislation;
- voluntary coalitions of dispersed incorporated organisations;
- centralised hub and spokes models that have a large geographic coverage based on locally-based representation;
- incorporated regional or territory-wide peak organisations; and
- hybrid arrangements which may include elements of all of these variables.

Figure 1. The Dimensions of Organisational Models for Governance.



The case studies highlight an overall ‘two-way’ trajectory for Aboriginal governance solutions in the NT; namely, a desire for residential decentralisation and preservation of local autonomy and control on the one hand, alongside trends towards political centralisation and service regionalism on the other.

Another trend noticeable from the case studies is that some groups and communities are actively seeking incorporation status, while others are resolute in wanting to avoid it.

In some instances, groups are veering towards a single self-contained governance structure. In others, they are exploring wider connections and economies of scale as ways of developing representation, service functions, and business relationships across a plurality of group interests, communities, geographic regions and multiple organisations.

The great majority of organisational solutions seem to employ networked mechanisms; especially to enable devolved and interconnected governance structures.

Along the organisational axis of local/regional :: dispersed/centralised there are many potential combinations; especially when one adds the different possibilities of incorporation status onto those dimensions.

The specific mix that Aboriginal people choose for a model will have considerable and direct consequences for governance issues of representation, legitimacy, participation and voice.

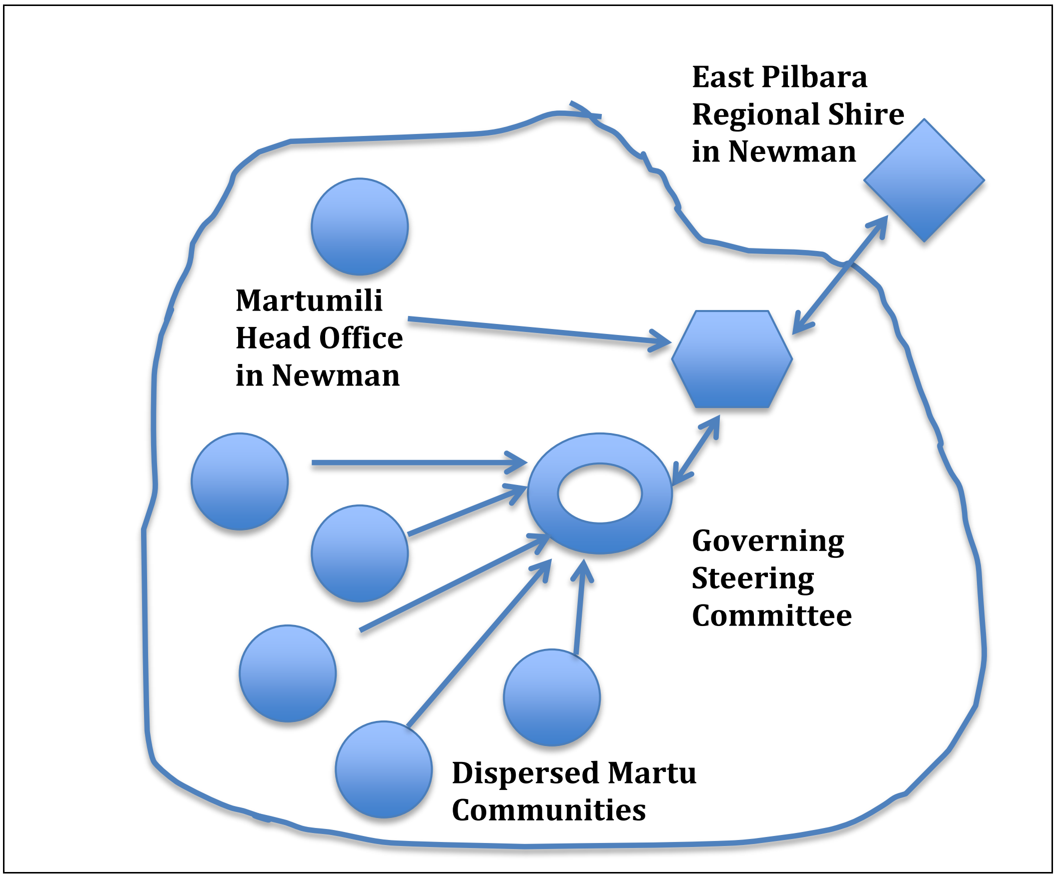
There are also immediate consequences for the practical workability and effectiveness of an organisation and its governance, and for the cost, resources and workload required to establish and operate them.

In the sections below, the case-study models are summarised in respect to their key features, along with some of the pros and cons of those.

Model 4.1. A non-incorporated organisation: Auspiced by a Local Government (Martumili)

Martumili Artists http://www.martumili.com.au

Figure 1. Martumili Artists - Dispersed regional governance with a centralised head office and a separate Administrative Sponsor.


East Pilbara Regional Shire in Newman
Martumili Head Office in Newman
Governing Steering Committee
Dispersed Martu Communities

There are several key features of the Martumili model that may be useful for others.

1. Getting started - Deciding to stay unincorporated
The model is based on a genuine partnership between over 300 artists, community and local government that culminated in the appointment of the inaugural Martumili Artists Manager in October 2006 who is located in offices in Newman.

2. Auspiced separate administration
Auspicing by the Shire of East Pilbara based in Newman which carries out the administrative and financial management functions for the Martu artists who are dispersed across 6 communities in the Pilbara region. The Shire of East Pilbara also sponsors Martumili, helping them with an office and other accommodation in Newman. That sponsorship effectively meant Martu artists did not have to incorporate.

The Shire contributes significant support, through the skills and expertise of staff, administrative systems, financial oversight, infrastructure and utilities and strategic assistance.

3. A regionally networked operation

The Martumili Art Centre employs four full-time staff and one permanent part-time Martu community liaison officer. There is a pool of mentors, volunteers and consultants who provide specific services and skills to Martumili.

4. Strategic Partnerships

BHP Billiton Iron Ore Pty Ltd provides operational and project funding, commercial contracting opportunities, marketing, branding and cross-promotional initiatives, and some staff accommodation to the Art Centre.

5. Martu Governance – Dispersed regionalism

Martumili is an original and responsive model that seeks to represent the intentions of Martu artists and elders to govern their organisation strategically without engaging in the complexity of incorporation or administration.

Martumili Artists has a Steering Committee made up of two Martu artists or cultural leaders from each community. All decision making on strategic direction, partnerships (who to partner and on what projects) and artistic and cultural elements of the Centre are made by Martu people. The Shire has no voice in any of these processes.

6. Challenges

The biggest ongoing challenge for Martumili Artists is a geographic one: Martu communities, while culturally and socially linked, are isolated, under-resourced, and poorly serviced. Providing a regional art service that is equitable and consistent across the region is difficult, expensive and places heavy workloads on staff.

Model 4.2. A Non-Incorporated Project: Auspiced by an Incorporated Organization (Yiriman)

The Yiriman Project http://www.yiriman.org.au/yiriman-story/

There are several key features of the Yiriman model that may be useful for others.

1. Getting started – Auspiced establishment
The Yiriman Project is an Aboriginal non-incorporated organisation of four Kimberly language groups – Nyikina, Mangala, Karajarri and Walmajarri who form a culture block, having similar cultural, geographical, language and kinship ties.

After campaigning by elders over several years, the project's establishment was auspiced by the Kimberly Aboriginal Law and Culture Centre (KALACC), a not-for-profit organisation concerned with the social and cultural wellbeing of Aboriginal people across the Kimberley, and with funding support from government.

2. Auspiced management
The management processes continue to be undertaken by the KALACC which auspices the Yiriman project and attends to financial management, staff employment, reporting and acquittals.

3. Regionally decentralised networked governance
Yiriman has its own governance structure which is quite independent of KALACC's governance structure. Elders and community leaders from the four founding Yiriman language groups have combined to form a Yiriman Reference Group which is the primary governing mechanism.

4. Strategic partnerships and field staff critical
Yiriman has negotiated tremendous help from a range of partner organisations including KALACC; the Kimberley Land Council; Murdoch University; and various government and private sector funding bodies.

5. Challenges
Communicating about Yiriman business with Aboriginal bosses across the region continues to be a challenge. Staff workers have shifted their geographic location and, to an extent their focus, to better accommodate the need for ongoing contact with communities and the decentralised Reference Group.

The auspicing arrangement has been very effective, but highlighted the early need to institutionalise regular and structured meetings between Yiriman staff, KALACC management and Yiriman bosses, provide professional and personal support to staff, and to maintain work plans and provide regular reports on their activities.

6. Effectiveness
IGA Chair and award judge Professor Mick Dodson, who visited the Yiriman Project in August 2012, said:

> *The Yiriman Project is addressing a vital community need in an innovative, well-structured and cost-effective manner. They have clear and effective ownership by the elders with strong cultural underpinning—it's a model that could be replicated in other parts of the Kimberley and the country at large.*

Model 4.3. Non-Incorporated Organisation: A Peak Alliance (APONT)

Aboriginal Peak Organisations of the NT (APONT)

There are several key features of the APONT model that may be useful for others.

1. Peak body mix of industry and representative organisations
APONT is an alliance comprising the Central Land Council (CLC), Northern Land Council (NLC), North Australian Aboriginal Justice Agency (NAAJA), Central Australian Aboriginal Legal Aid Service (CAALAS) and the Aboriginal Medical Services Alliance of the NT (AMSANT). These organisations range from being statutory bodies established via specific legislation, through to incorporated organisations, companies and peak bodies.

2. A non-incorporated alliance
In a way it is a non-binding joint venture arrangement, where the organisations involved remain separate legal entities and combine identified resources for a particular (often temporary) project.

3. Member auspicing
Its member organisations contribute financial and in-kind support, including staff and CEO time, to resource the alliance. AMSANT administers a grant from the Fred Hollows Foundation that supports the employment of an APONT Policy Officer.

4. Independence
Being unincorporated provides the alliance with a great deal of independence; one that is not subject to the strings attached to having majority government funding or incorporation oversight.

5. CEO governance
It also means the alliance’s governance arrangements have been able to evolve more pragmatically and informally.

The alliance is governed by a committee made up of the CEOs of the five member organisations. They provide overall direction and make consensus decisions regarding the alliance’s work, in consultation with their respective boards and executives.

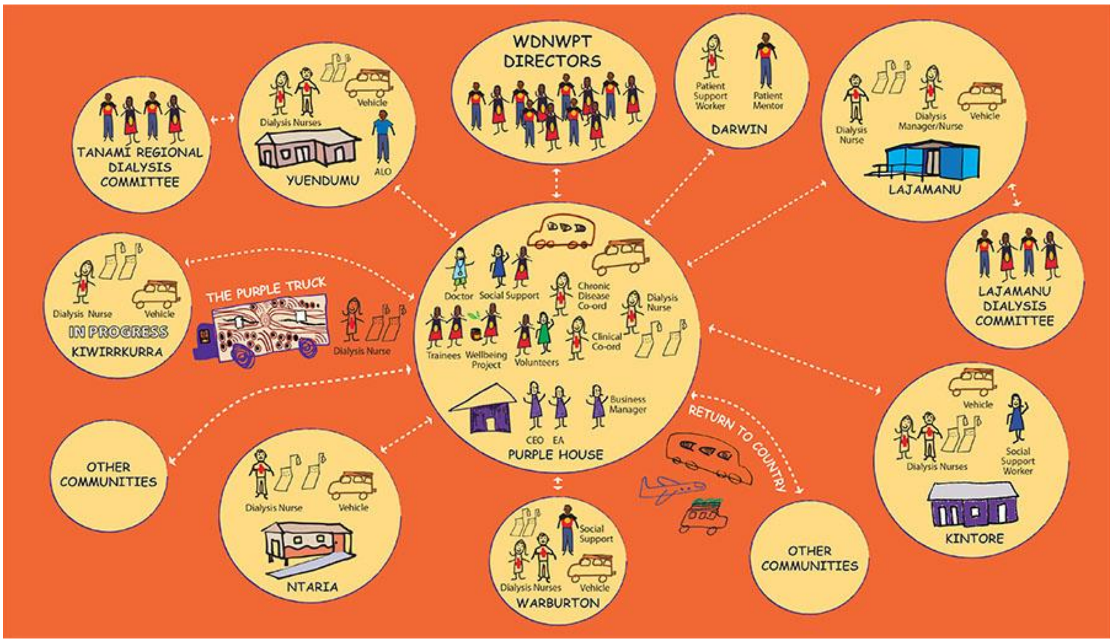
Below the governing committee is an Officers Group, comprising senior staff from the member organisations and the APONT Policy Officer. The Officers Group is responsible for providing strategic policy advice and ensuring the practical implementation work of the alliance is carried out.

6. Challenges
With increasing restrictions on grant funding for many Aboriginal programs and organisations, APONT’s advocacy role is likely to become even more important. This may place greater workload demands on the alliance members given that APONT currently has a very small number of staff.

Model 4.4. Self-funded Start-up: From Non-Incorporated Community to Incorporated Regional Organisation (Western Desert Dialysis (WDD))

Western Desert Dialysis http://www.westerndesertdialysis.com/

Figure 1. WDD Organisational Structure, Governance and Committees, WDD Website.


TANAMI REGIONAL DIALYSIS COMMITTEE
Dialysis Nurses
Vehicle
ALO
YUENDUMU
WDNWPT DIRECTORS
Patient Support Worker
Patient Mentor
DARWIN
Dialysis Nurse
Dialysis Manager/Nurse
Vehicle
LAJAMANU
LAJAMANU DIALYSIS COMMITTEE
Dialysis Nurse
Vehicle
IN PROGRESS
KIWIRRKURRA
THE PURPLE TRUCK
Dialysis Nurse
Doctor
Social Support
Chronic Disease Co-ord
Dialysis Nurse
Trainees
Wellbeing Project
Volunteers
Clinical Co-ord
CEO
EA
Business Manager
PURPLE HOUSE
RETURN TO COUNTRY
OTHER COMMUNITIES
Dialysis Nurse
Vehicle
NTARIA
Social Support
Dialysis Nurses
Vehicle
WARBURTON
OTHER COMMUNITIES
Vehicle
Dialysis Nurses
Social Support Worker
KINTORE

There are several key features of the WDD model that may be useful for others.

1. Getting Started

Western Desert Dialysis (WDD) has a unique 'getting started' story. Unable to secure government funding to deliver dialysis locally to people in Yuendumu, a group of Pintupi Luritja (Anangu) people held an own auction of their paintings at the Art Gallery of NSW. They raised over a million dollars. This early self-funded and self-determined creation means that WDD is a genuinely culturally driven organisational model with a strong vision and local control

2. Slow move to incorporation

WDD's approach in the early days was to take things slowly. It trialed its approach and services for the first three years, before they became incorporated.

3. An evolving cross-jurisdictional regional network

WDD has grown into an Aboriginal community controlled health organisation over a region that has emerged naturally and slowly in response to its success. The WDD 'region' has largely been a self-determined, informed decision of the Aboriginal Directors based on consideration of cultural connections, the needs of other communities and risk assessment. It now extends across to WA and SA.

4. Dispersed regional governance

WDD has 12 Aboriginal Directors drawn from across its region. Two are dialysis patients and ten are community leaders from Western Desert communities.

5. Challenges

The challenge has been to gain government support in order to sustain high levels of excellent service delivery.

This continues to be a major challenge for many Aboriginal organisations across Australia.

Model 4.5. Representative Community Organisation with a Self-determined Cultural Region (Thamarrurr)

Thamarrurr Development Corporation (TDC; previously Council) http://thamarrurr.org.au

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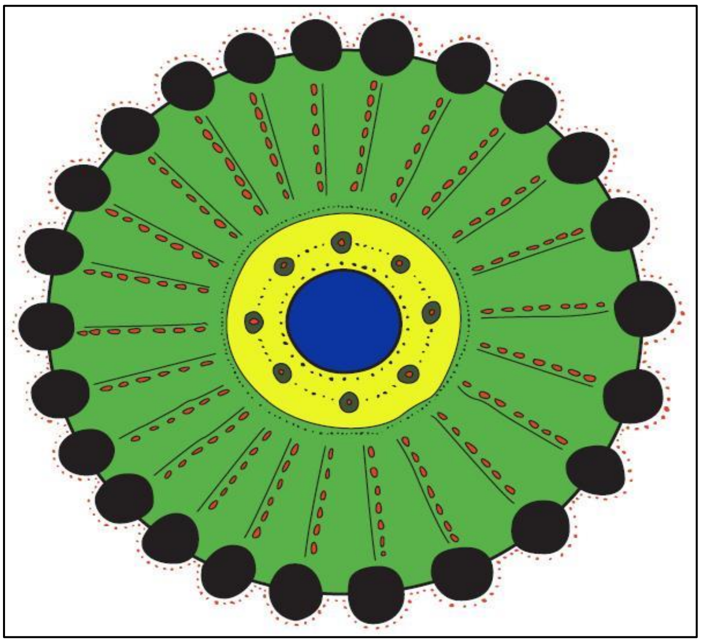
There are several key features of the Thammarrur model that be useful for others.

Figure 1. Thamarrurr Logo as described by Tobias Nganbe under direction of Thamarrurr Elders.



This logo depicts the different clan and land-ownership groups (outside black dots) that have come together to form a single governance structure located in Wadeye.

1. A regional representative structure

Some regional governance models are based on equal representation of land-ownership, language, clan or family groups, using traditional decision-making processes and criteria for leadership. Examples of this are the Thamarrurr Regional Council in the NT (and the Yorta Yorta People Aboriginal Corporation and the Noongar Corporation in the south-east and south-west of Australia respectively).

2. Formed out of local government amalgamation

Thamarrurr Development Corporation (TDC) was formed following the NT Local Government reforms in 2007, when the Thamarrurr Regional Council was subsumed by the Victoria Daly Shire Council. As part of this amalgamation Shire Council functions in Wadeye were transferred to the TDC.

3. Governance

Thamarrurr Development Corporation is owned by the 20 Clan groups of the Thamurrurr region. The governing body of the TDC is a made up twelve Directors representing the three ceremony groups and twenty clan groups of the Region.

4. Funding partners

TDC was established with funds provided by the earlier Thamarrurr Regional Council, the NT Office of Indigenous Policy Co-ordination, the NT Aboriginal Benefit Account, and Australian and Northern Territory Government funding.

5. A company limited by guarantee

Thamarrurr has an extremely interesting governance history. It gone through many transformations of its organisational model as its operating environment has changed (sometimes dramatically) and it has sought to take advantages of new opportunities.

Today, TDC is a company under the *Incorporations Act 2001*. As such it does not have any share capital and the liability of its members is limited to the amounts the members undertake to contribute in the event of it being wound up.

This structure also means that the company does not distribute surplus funds (profits) to its shareholders. Surplus generated by TDC flows into the Thamarrurr Foundation which distributes these profits for a wide range of community benefits and activities.

Model 4.6. Self-determined Regional Governance Network: Language, Communities and Cultural Group (WYDAC)

Warlpiri Youth Development Aboriginal Corporation (WYDAC) http://wydac.com.au

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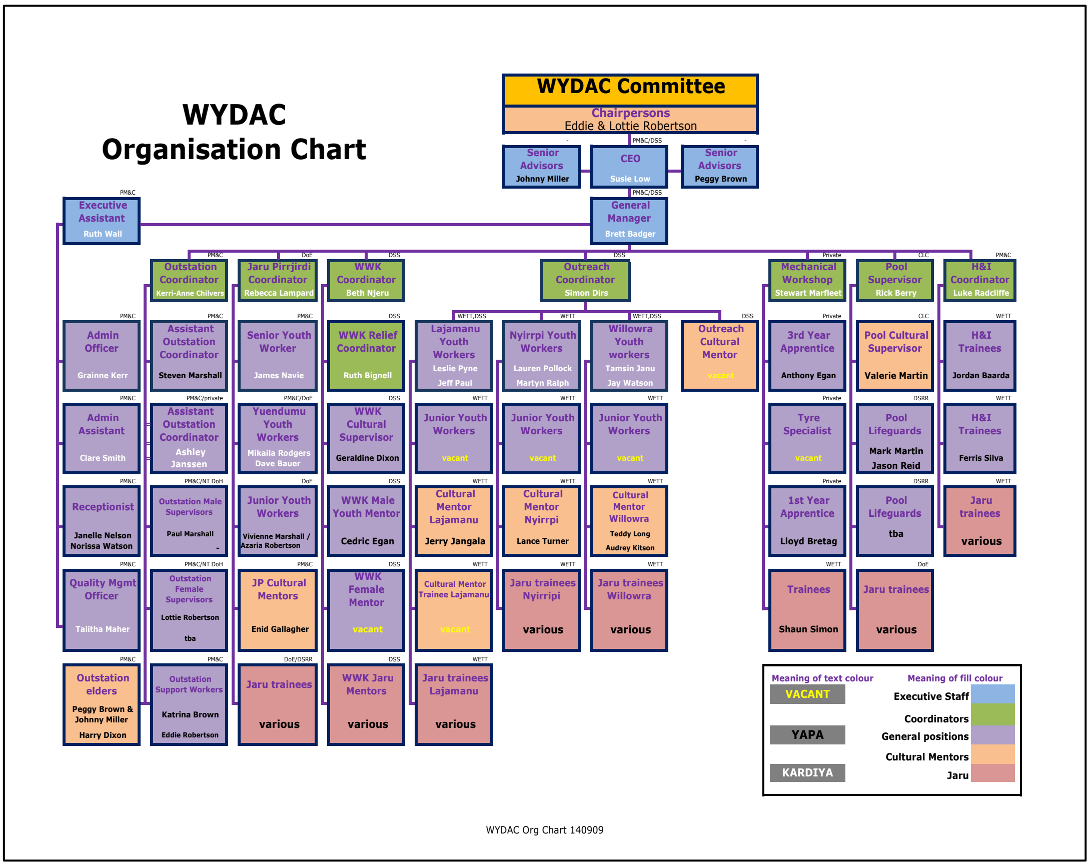
There are several key features of the WYDAC model that may be useful for others.

Figure 1. WYDAC Organisational Model.


WYDAC Organisation Chart
WYDAC Committee
Chairpersons Eddie & Lottie Robertson
PM&C/DSS
Senior Advisors Johnny Miller
CEO Susie Low
Senior Advisors Peggy Brown
PM&C/DSS
General Manager Brett Badger
PM&C
Executive Assistant Ruth Wall
PM&C Outstation Coordinator Kerri-Anne Chilvers
DoE Jaru Pirrjirdi Coordinator Rebecca Lampard
DSS WWK Coordinator Beth Njeru
DSS Outreach Coordinator Simon Dirs
Private Mechanical Workshop Stewart Marfleet
CLC Pool Supervisor Rick Berry
PM&C H&I Coordinator Luke Radcliffe
PM&C Admin Officer Grainne Kerr
PM&C Admin Assistant Clare Smith
PM&C Receptionist Janelle Nelson Norissa Watson
PM&C Quality Mgmt Officer Talitha Maher
PM&C Outstation elders Peggy Brown & Johnny Miller Harry Dixon
PM&C Assistant Outstation Coordinator Steven Marshall
PM&C/private Assistant Outstation Coordinator Ashley Janssen
PM&C/NT DoH Outstation Male Supervisors Paul Marshall -
PM&C/NT DoH Outstation Female Supervisors Lottie Robertson tba
PM&C Outstation Support Workers Katrina Brown Eddie Robertson
PM&C Senior Youth Worker James Navie
PM&C/DoE Yuendumu Youth Workers Mikaila Rodgers Dave Bauer
DoE Junior Youth Workers Vivienne Marshall / Azaria Robertson
PM&C JP Cultural Mentors Enid Gallagher
DoE/DSRR Jaru trainees various
DSS WWK Relief Coordinator Ruth Bignell
DSS WWK Cultural Supervisor Geraldine Dixon
DSS WWK Male Youth Mentor Cedric Egan
DSS WWK Female Mentor vacant
DSS WWK Jaru Mentors various
WETT,DSS Lajamanu Youth Workers Leslie Pyne Jeff Paul
WETT Junior Youth Workers vacant
WETT Cultural Mentor Lajamanu Jerry Jangala
WETT Cultural Mentor Trainee Lajamanu vacant
WETT Jaru trainees Lajamanu various
WETT Nyirrpi Youth Workers Lauren Pollock Martyn Ralph
WETT Junior Youth Workers vacant
WETT Cultural Mentor Nyirrpi Lance Turner
WETT Jaru trainees Nyirripi various
WETT,DSS Willowra Youth workers Tamsin Janu Jay Watson
WETT Junior Youth Workers vacant
WETT Cultural Mentor Willowra Teddy Long Audrey Kitson
WETT Jaru trainees Willowra various
DSS Outreach Cultural Mentor vacant
Private 3rd Year Apprentice Anthony Egan
Private Tyre Specialist vacant
Private 1st Year Apprentice Lloyd Bretag
WETT Trainees Shaun Simon
CLC Pool Cultural Supervisor Valerie Martin
DSRR Pool Lifeguards Mark Martin Jason Reid
DSRR Pool Lifeguards tba
DoE Jaru trainees various
WETT H&I Trainees Jordan Baarda
WETT H&I Trainees Ferris Silva
WETT Jaru trainees various
Meaning of text colour
VACANT
YAPA
KARDIYA
Meaning of fill colour
Executive Staff
Coordinators
General positions
Cultural Mentors
Jaru
WYDAC Org Chart 140909

1. A grass-roots birth

WYDAC is a not-for-profit incorporated organisation that is now just over 20 years old. It grew out of the Mt Theo Program that was initiated by concerned residents of Yuendumu in 1993 as a grass-roots outstation substance abuse rehabilitation program.

At the beginning it operated entirely without government support for several years. This was hard, but had distinct advantages. It meant the program could become established according to a local agenda and values. It also enabled a strong sense of community ownership and engagement to grow which is still apparent today.

2. Diverse funding base

From 1994–97 the program operated wholly through the assistance of unpaid volunteers, fundraising within the community and with some financial and practical assistance from community organisations and a small grant from the Drug and Alcohol Services Association (DASA).

Today, WYDAC receives funding from a wide variety of government, NGO and community partnership sources, as well as funding from Warlpiri peoples' own mining royalties.

3. Expansion and consolidation

Slowly, as the program grew in effectiveness, it broadened in nature and scope to provide programs of youth development and leadership, diversion, respite, rehabilitation, and aftercare. With success came requests from other Warlpiri communities to extend program services to them.

4. Adaptive governance

WYDAC's governance has changed and adapted in important ways to respond to its regional expansion and service innovations. No longer a single community-specific program, the organisation needed to develop a more formalised governance structure to reflect the broader membership of the regional Warlpiri communities. It became incorporated under *CATSI Act* and the Office of the registrar of Indigenous Corporations (ORIC) in 2008.

5. Board innovations

With approval of ORIC, WYDAC can now have up to 50 Directors, with a minimum of 11, representation Yuendumu and the three other main Warlpiri communities in the NT.

Also, in recognition of the fact that the foundation Mt Theo Program was set up on the lands of the traditional owners (TOs), those TOs are eligible to become Directors, can self-nominate at AGMs and are automatically declared elected to the Board.

Rather than relying on a traditional board structure with one chairperson, WYDAC members decided to have two Chairs.

6. Strong cultural governance

WYDAC sees itself as having a strong form of "two-way" governance where Aboriginal and non-Aboriginal people work as a "team" and the Board has guiding "principles" underlying its decisions which are based both in Warlpiri laws, culture, language and aspirations, as well as knowledge of corporate governance.

7. Strong internal culture

There is a strong, positive internal culture within the organisation based on mutual respect, intercultural values, fun and pride. Staff, the board, workers and volunteers are held in high regard by communities and outside agencies.

8. Challenges

WYDAC has sustained considerable growth over recent years. It recognises that with expansion comes increased pressure and workload on staff, infrastructure, funding, administrative and management systems.

The organisation has recognised that it cannot do everything and so has been considering how to make better collaborative use of other services and partnerships.

Model 4.7. A Peak Body: Cross-jurisdictional and Industry Specific (Desart)

WYDAC Website http://wydac.com.au

There are several key features of the Desart model that may be useful for others.

1. Aboriginal initiated and united voice
In 1991, Central Australian Art Centres separated from the Association of Northern and Central Australian Aboriginal Artists (ANCAAA), and formed Desart to provide a united voice to advocate on issues and interests shared by the desert-based Aboriginal Art Centres. In 1993, Desart was incorporated under Northern Territory (NT) corporations legislation.

2. Peak industry body with major service region
Desart has grown into a non-profit peak industry body representing the Aboriginal arts, cultural and business functions of more than 40 Art Centres.

The Desart 'service region' is one of the largest and most diverse of any Indigenous organisation in Australia. The Centres work on behalf of approx 3,000 artists from 16 distinct language groups located across the Northern Territory, Western Australia and South Australia. The members of Desart are incorporated Art Centres, not individual artists.

3. An innovative network of organisations
Desart has designed (and reassessed) an innovative organisational and networked governance solutions.
There is great variation amongst the operational structures and governance arrangements of Desart's member Art Centres. The annual member survey undertaken by Desart in 2013 found that approx. 69.2% of the Centres were independently incorporated associations, and approx 30.8% were operating under the umbrella of an auspicing body (for example, a local government shire, outstation resource centre, company, women's centre, as an annex to a school or NGO).

4. Executive governance
As a peak arts industry body, Desart has an Executive Board of 10 Directors representing its five sub-regions; 2 Directors being nominated and elected from each. Directors have two-year terms with 50% rotating every year. This gives the advantage of new members sitting alongside those with more Desart experience.

Voting for regional nominations is done by member Art Centres boards, by majority decision. To enhance transparency and accountability obligations, Desart asks Art Centres to ensure that the outcome of board voting is fully documented as a decision in meeting minutes. Those regional decisions are then formally endorsed by a full Desart Executive Board meeting.

5. Networked subsidiarity
The Desart governance model has had to be adaptive and flexible. It is a classic and sophisticated example of networked subsidiarity, created to respond to the regional and cultural diversity and desire for autonomy of its member Art Centres and artists, who also want the support that their peak body Desart provides.

6. Challenges

This large scale of operation has major workload and cost implications that have had to be factored into Desart's annual budgets, and staff inductions and support, and continue to require considerable risk management and forward planning.

Model 4.8. A Peak Body: Single Jurisdiction and Industry specific (AMSANT)

AMSANT www.amsant.org.au

There are several key features of the AMSANT model that may be useful for others.

1. An initiative of Aboriginal organisations
The Aboriginal Medical Service Alliance of the Northern Territory (AMSANT) is a peak organisation representing the interests of 26 member Aboriginal Medical Services across the whole of the NT, created in 1994 and incorporated under NT legislation.

2. A unique CEO governance model
AMSANT has a unique peak governance model that consists of a CEO-based board at the peak level, with constituent member Medical Service Centres having their own diverse Aboriginal representative boards s/elected from their surrounding areas. That is, the representative onto the AMSANT board from each Medical Centre is the CEO, not one of the Service's own board members.

This model has been developed in response to several factors including: the different governance structures amongst its organisational members; the clinical health sector expertise and knowledge needed to govern such a peak body; and the advantage of being able to draw on the strong grass-roots engagement with Aboriginal communities and residents by its community-controlled centres.

3. A diverse mix of member organisations
The member Medical Centres are geographically dispersed across the NT. Some are incorporated as organisations under NT legislation, with the majority under the Australian Government's CATSI Act. Through their particular incorporation arrangements, each Centre has its own governing board structure, policies and procedures

For AMSANT's purposes, some member centres provide the full suite of primary health care services and so are classed as "Full Members". Others are smaller and deliver a subset of services. They are classed as "Associate Members".

4. A strong internal culture
A critical factor in its governance and organisational effectiveness has been the positive internal culture that has been fostered. The CEO, Board and senior management have taken a leadership role in actively building an internal culture based on "our ethos of 'family'".

Staff are encouraged to feel they are part of "the AMSANT family", and the CEO reinforces the values associated with that: i.e., "of everyone working together, respecting each other, being honest and supportive with each other".

5. Challenges
The AMSANT board has taken up the challenge posed by current Australian Government program funding which requires Indigenous organisations in receipt of more than $500,000 annually to incorporate under the CATSI Act. This is likely to be the case for the peak body

AMSANT's approach is to be proactive in order to ensure they design governance arrangements that still fit their members' needs and priorities. It does highlight however, the ongoing challenge to Aboriginal self-determined governance arrangements as a result of unilateral changes imposed by governments.

Model 4.9. Business Corporation: Cultural region with a portfolio of businesses (ALPA)

ALPA http www.alpa.org

There are several key features of the ALPA model that may be useful for others.

1. Church initiated birth; Aboriginal owned
ALPA was established as a co-operative in 1972 by the Methodist Church and Yolngu leaders as one way to further economic development goals for Yolngu, with the initial members being seven community stores

In 2008, ALPA found the *NT Associations Act* too restrictive for its growing services and initiatives, and transferred its incorporation status over to the Federal Government's *Corporations (Aboriginal and Torres Strait Islander) Act* (CATSI) *Act, 2006.* It has a head office in Darwin. Today ALPA is one of the oldest incorporated organisations in Australia, and 100% owned by the Aboriginal residents of its 5 member communities in Arnhem Land.

2. A portfolio of businesses
In addition to its own stores and associated businesses, ALPA manages additional stores (and 2 clubs) for their respective Indigenous owners. In 2012-13, the overall annual group turnover was of the order of $75 million spread across 18 trading businesses. With 24 stores in 2014, the annual turnover across the ALPA group was about $100 million.

Apart from funds reinvested (either in trading or investment activities), surpluses are distributed to community benevolent programs established and funded by ALPA.

3. A networked operational and governance model
Over a period of 40 years, ALPA has developed and refined a networked structure to carry out its functions across a remote region of the NT, with connections spreading out to other regions.

Its governance, administration, management, and decision-making roles and responsibilities are distributed across the layers of the network, extending from its central office in Darwin, to its decentralised Board members living in their own communities, and the community stores managers and their committees.

ALPA has a Board of 11 Directors who are recognised as local leaders by their home communities who each select 2 Directors (a community member representative and a traditional landowner representative). Board meetings are held quarterly and rotated between the 5 member communities.

4. Devolved subsidiarity
This is not the usual 'hub and spokes' model. It is more innovative in that authority and responsibility for specific components of ALPA's governing roles and decision-making responsibilities are spread across the structure — from the dispersed Board members, the CEO and Program heads, down to community store committees.

5. Investment Committee
The Board and CEO established an Investment Committee (in 2001) on which sit external business and finance experts with the function of providing the Board with

independent investment advice and risk management assessment. The Investment Committee meets the week before every Board meeting so that its analyses can inform the Directors' decision-making.

6. Challenges

ALPA is a long-established mature organization which has been through many phases in its organisational development cycle. It has shown itself to be extremely adaptable in refining and transforming its governance and administrative model.

The challenges facing the organisation now are to manage success and the increasing workload that comes with it. Another is to build upon the Aboriginalisation of its workforce by mentoring Yolngu staff into more senior management positions.

4.10. Local Government: Culturally-based Region, Wards and Boundaries (WCARA)

West Central Arnhem Regional Authority (WCARA), renamed West Arnhem Regional Shire http://westarnhem.nt.gov.au

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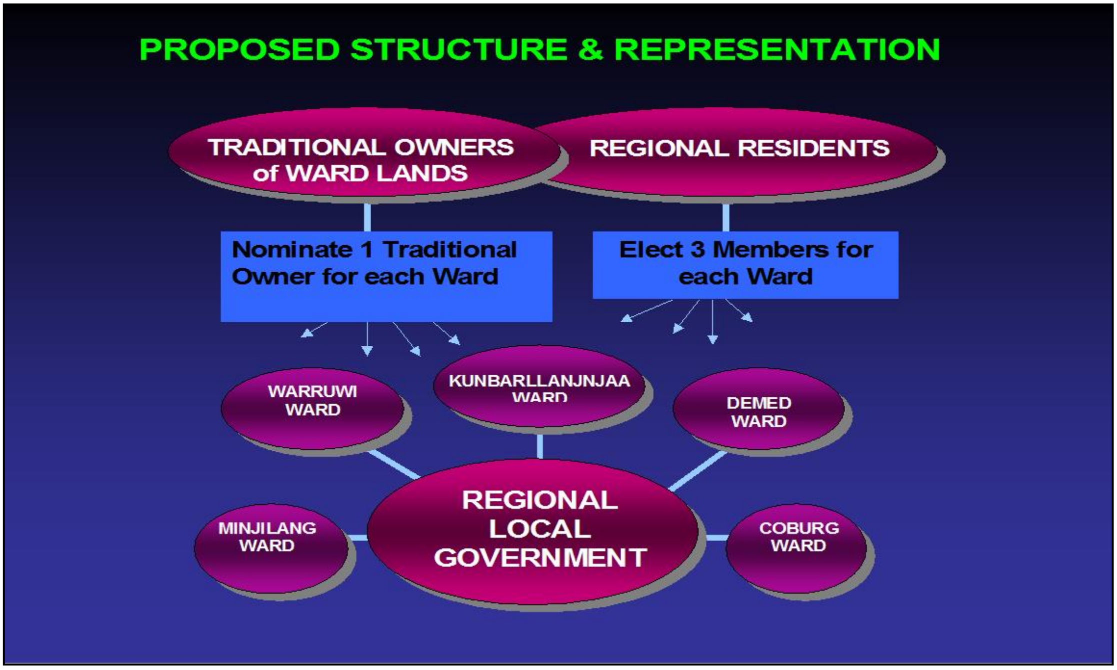
There are several key features of the WCARA model that may be useful for others.

Figure 1. A Devolved Model or Representation and Decision Making



PROPOSED STRUCTURE & REPRESENTATION

TRADITIONAL OWNERS of WARD LANDS

REGIONAL RESIDENTS

Nominate 1 Traditional Owner for each Ward

Elect 3 Members for each Ward

WARRUWI WARD

KUNBARLLANJNJAA WARD

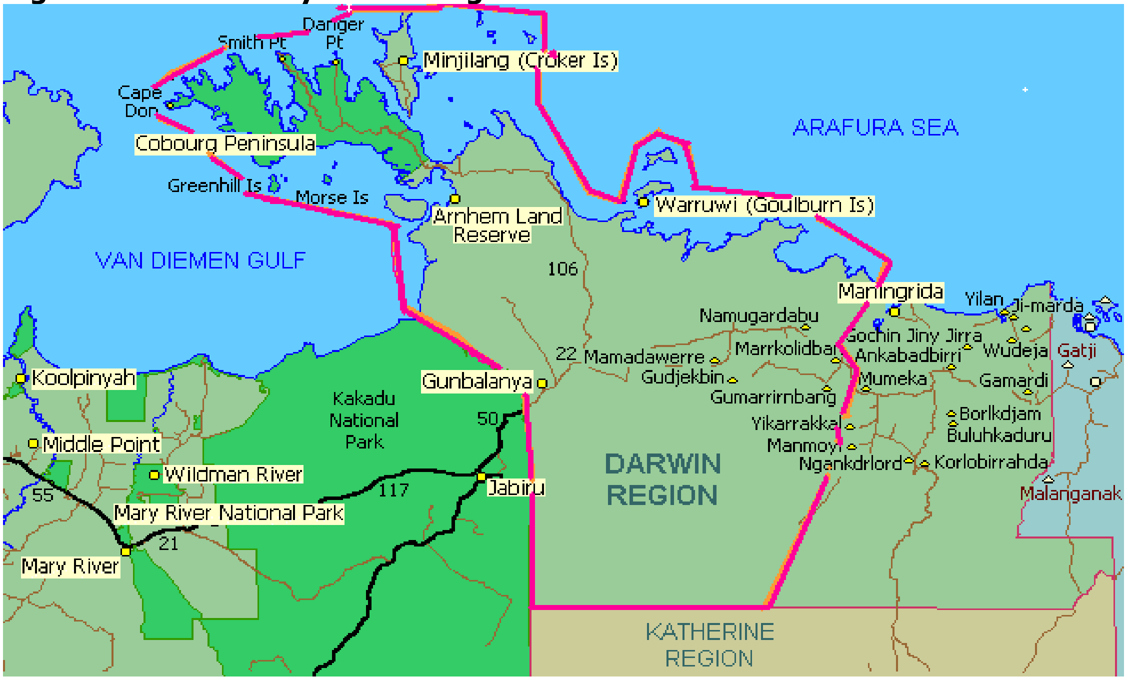
DEMED WARD

MINJILANG WARD

REGIONAL LOCAL GOVERNMENT

COBURG WARD

Figure 2. A culturally-based Region.


Danger Pt
Smith Pt
Minjilang (Croker Is)
Cape Don
Cobourg Peninsula
ARAFURA SEA
Greenhill Is
Morse Is
Warruwi (Goulburn Is)
Arnhem Land Reserve
VAN DIEMEN GULF
106
Maningrida
Yilan
Ji-marda
Namugardabu
22
Mamadawerre
Marrkolidbal
Gochin Jiny Jirra
Ankabadbirri
Wudeja
Gatji
Gudjekbin
Mumeka
Gamardi
Koolpinyah
Gunbalanya
Gumarrirnbang
Kakadu National Park
50
Yikarrakkal
Borlkdjam
Buluhkaduru
Manmoyi
Ngankdrlord
Korlobirrahda
Middle Point
DARWIN REGION
Wildman River
117
Jabiru
Malanganak
55
Mary River National Park
21
Mary River
KATHERINE REGION

1. NT Government initiated regionalised Local Government

At end of 2003 the NT Government sought to establish regionalised forms of local government, replacing many smaller community councils with 9 larger regions. Initially they were voluntary Regional Authorities and then mandatory regional Shires. Now they are called Regional Councils.

One of the first responses and proposals for a voluntary Regional Authority was developed by a steering committee of Aboriginal leaders from four West Arnhem Land community council.

2. Cultural relationships translated into culturally-based wards

The region proposed by Aboriginal community leaders is characterised by extremely complex Aboriginal groups and relationships. From these, they nominated the proper regional boundary and identified key internal cultural/language blocs which were nominated as representation and voting wards based on cultural geographies, not artificial boundaries.

3. The regional structure – A layered network

The proposed governance was a form of micro-federalism with different allocated roles and powers distributed across the operational levels of the regional local government; from community offices and local boards having real devolved decision-making responsibilities, up to a centralised administrative hub-centralised authority over other matters and resource sharing for the whole region.

4. Governance representation

The model of governance was based on an Aboriginal preference for "all equal" representation and their desire to include a mix of communities and organisations.

The result was that members represented to the Regional Auhtority would be: three elected citizens from each of five wards; plus one traditional owner selected from the same wards.

5. Challenges

The Aboriginal steering committee developed a stand alone unique constitution, with a preamble that set out their desire to work with both *Bininj* (Aboriginal) ways of governing as well as *Balanda* (western) ways.

Unilateral policy changes by the NT Government several years later put a stop to all these Aboriginal proposals, a mere six months before they were to be enacted.

The West Arnhem Shire was subsequently established with a standard constitution regional boundary and governance structure imposed on it by government. The Shire has had to work hard to rebuild its legitimacy and support with communities which have felt disenfranchised from participating under the new imposed model.

4.11. A Regional Assembly: A self-determined 'bottom-up' federation (Murdi Paaki Regional Assembly MPRA)

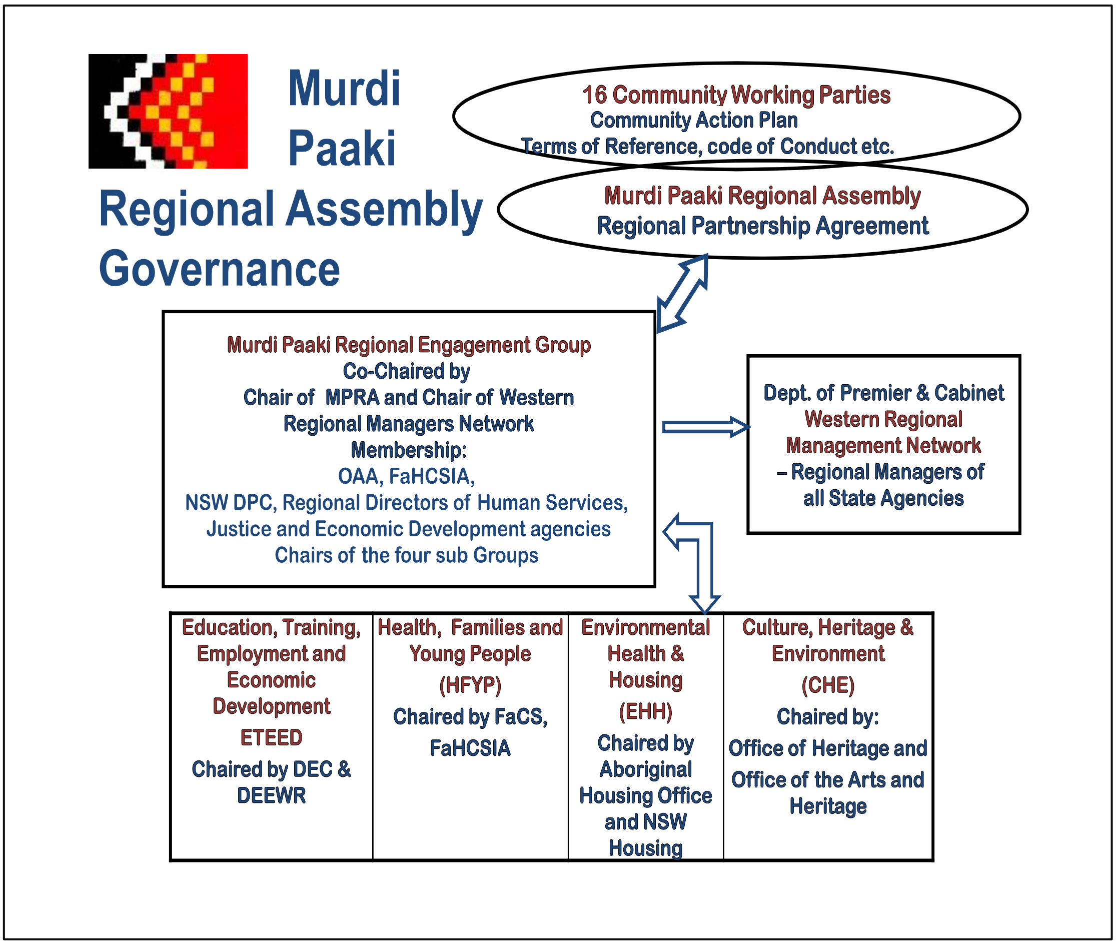
Murdi Paaki Regional Assembly http://www.mpra.com.au

There are several key features of the MPRA model that may be useful for others.

1. Incubated establishment by ATSIC
The Murdi Paaki Regional Assembly (MPRA) is a legacy of the former ATSIC Regional Council of Western NSW which worked across its large region of 16 communities to establish community governance bodies in each, referred to as a Community Working Party (CWP).

To further support these CWPs, a regional community governance structure was deemed necessary and MPRA (the standing fro Murdi Paaki Regional *Authority*), comprising of chairs or their representatives of the 16 CWP's was created under an ATSIC Regional Council facilitated process.

Figure 1. Devolved Governance Structure with Regional and Community Layers, and external linkages to key stakeholders. The Assembly governing body now includes 4 young leader representatives and 3 relevant zone Land Council representatives.


Murdi Paaki
Regional Assembly
Governance
16 Community Working Parties
Community Action Plan
Terms of Reference, code of Conduct etc.
Murdi Paaki Regional Assembly
Regional Partnership Agreement
Murdi Paaki Regional Engagement Group
Co-Chaired by
Chair of MPRA and Chair of Western Regional Managers Network
Membership:
OAA, FaHCSIA,
NSW DPC, Regional Directors of Human Services, Justice and Economic Development agencies
Chairs of the four sub Groups
Dept. of Premier & Cabinet
Western Regional Management Network
– Regional Managers of all State Agencies
Education, Training, Employment and Economic Development
ETEED
Chaired by DEC & DEEWR
Health, Families and Young People
(HFYP)
Chaired by FaCS, FaHCSIA
Environmental Health & Housing
(EHH)
Chaired by Aboriginal Housing Office and NSW Housing
Culture, Heritage & Environment
(CHE)
Chaired by:
Office of Heritage and Office of the Arts and Heritage

2. Community control

The MPRA sees self-determination as the key to the success to its governance model. The model asserts community control as the Aboriginal people of the region determine the composition of their local working parties, they choose the methods to bring the model together, and who represents them on the Regional Assembly.

After some years of activity, membership on the Assembly governing body was extended to include 4 young leader representatives who change from time to time, and representatives from the 3 Zone Land Council covered by the MPRA region.

3. Statutory region but self-determined subsidiarity

The 'region' for the Assembly has its bases in the establishment of ATSIC and its component Council regions which were enacted into legislation by the Australian Government. The ATSIC 'regions' paid some consideration to Aboriginal cultural connections and blocs, but were essentially government-instigated.

On the other hand, the formation of the MPRA governance structure is a purely Aboriginal-determined design solution; and is all about networked subsidiarity with a strong emphasis on what might be called a 'bottom-up' federalist structure.

CWPs engage with both the State and Federal Governments, Local Government and service providers to Aboriginal people. Each CWP has developed a Terms of Reference, Code of Conduct to guide them and a Community Action Plan (CAP) that they partner with governments to deliver.

Each CAP is included the Assembly's Regional Strategic Action Plan. Strategic priorities are identified by the Assembly and then implemented through a Regional Engagement Group and four sub-groups which cover a range of portfolios. Decisions made and initiatives decided upon by the Regional Assembly are taken back to each CWP for ratification.

4. A governance charter

The Assembly is governed by a "Charter of Governance" which, in the absence of legislative arrangements or incorporation law, provides the regulation, the goals and objectives, the functions and principles which the Assembly operates to.

5. Auspiced financial administration

As the MPRA itself is not an incorporated body, funds it receives are auspiced by Aboriginal organisations within the region.

6. Challenges

The MPRA prides itself on its autonomy: "We will never be abolished and never have administrators appointed. The community set the structure not the government".

Being able to maintain that independence in an environment where the Australian Government is seeking to impose incorporation upon organisations in receipt of larger government grants will be difficult; as is the ongoing challenge of maintaining the high level of communication and trust that are fundamental to the governance effectiveness of the Authority.

4.12. Self-Government: Nation-building from the ground up (Ngarrindjeri Regional Authority)

NGRA http:// www.ngarrindjeri.org.au

There are several key features of the MPRA model that may be useful for others.

The Ngarrindjeri Regional Authority (NRA) was incorporated in 2008 under the *South Australian Associations Incorporation Act (198*5), but only after many years of preparatory work on the ground, including extensive consultations and conversations amongst Ngarrindjeri people. Today the NRM operates as the peak regional organisation for what is referred to as the Ngarrindjeri Nation.

1. Governance under the radar
Ngarrindjeri leaders developed "a strategy for survival and positive transformation, with governance integral to the strategy.

In a sense, the NRA is an initiative that goes beyond more basic organisational governance-development, to seek recognition of the NRA as a jurisdictional representative structure as a result of its proven capable exercise of governmental power and practice. In other words, to assert self-determination by practically exercising it wherever and whenever they can.

2. Inclusive governance representation
For the Ngarrindjeri, their peak representative self-governing structure has evolved over time and attempted to be inclusive. Its members include the Ngarrindjeri Nation communities and organisations as well as the Ngarrindjeri native title claimants.

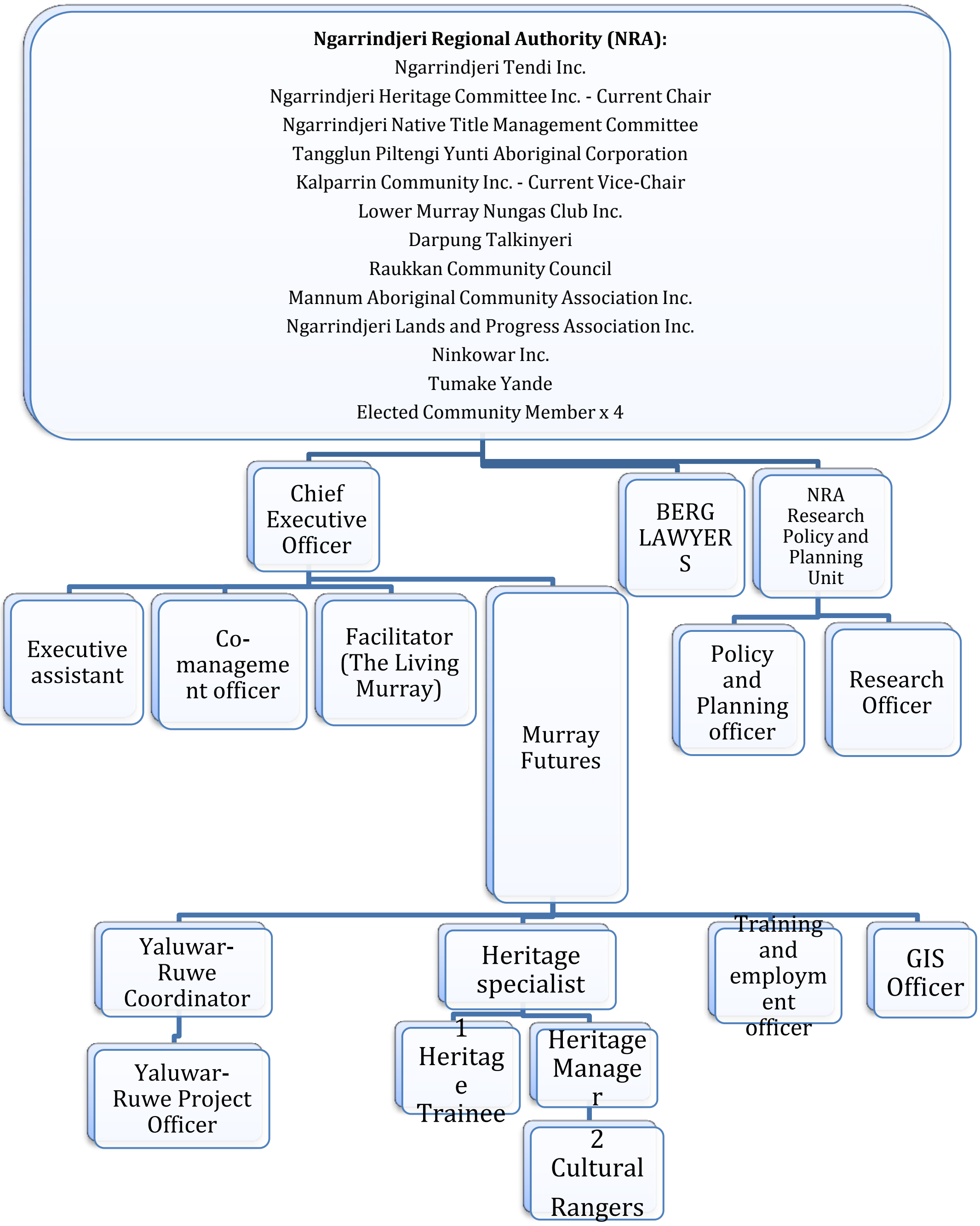
The NRA Board is currently made up of sixteen members who are the Chairpersons or a nominated representative from twelve organisations and four elected community members. Representatives from each organisation are selected by their own committee and report to the NRA on any issues from each.

3. Political and cultural arms of governance
The NRA governing system is based on Ngarrindjeri culture and values that are informed by the ethics of responsibility to *Ruwe/Ruwar* (body/land/spirit). But the structure has also been designed to be practically and administratively efficient and credible within its wider operating environment.

The traditional governing body of the Ngarrindjeri is the *Tendi* which operates in conjunction with the NRA and is a member organisation of the NRA. The NRA has both political and corporate (strategic) governance mechanisms.

4. Challenges
As the NRA increases its capacity and delivers outcomes, there have been increasing demands from a range of government sectors and other stakeholders for its participation in major initiatives.

These all involve increased workload to do with engagement and communication with the dispersed Ngarrindjeri community about important aspects of governance that emerge from the NRA.


Ngarrindjeri Regional Authority (NRA):
Ngarrindjeri Tendi Inc.
Ngarrindjeri Heritage Committee Inc. - Current Chair
Ngarrindjeri Native Title Management Committee
Tangglun Piltengi Yunti Aboriginal Corporation
Kalparrin Community Inc. - Current Vice-Chair
Lower Murray Nungas Club Inc.
Darpung Talkinyeri
Raukkan Community Council
Mannum Aboriginal Community Association Inc.
Ngarrindjeri Lands and Progress Association Inc.
Ninkowar Inc.
Tumake Yande
Elected Community Member x 4
Chief Executive Officer
BERG LAWYERS
NRA Research Policy and Planning Unit
Executive assistant
Co-management officer
Facilitator (The Living Murray)
Murray Futures
Policy and Planning officer
Research Officer
Yaluwar-Ruwe Coordinator
Yaluwar-Ruwe Project Officer
Heritage specialist
1 Heritage Trainee
Heritage Manager
2 Cultural Rangers
Training and employment officer
GIS Officer

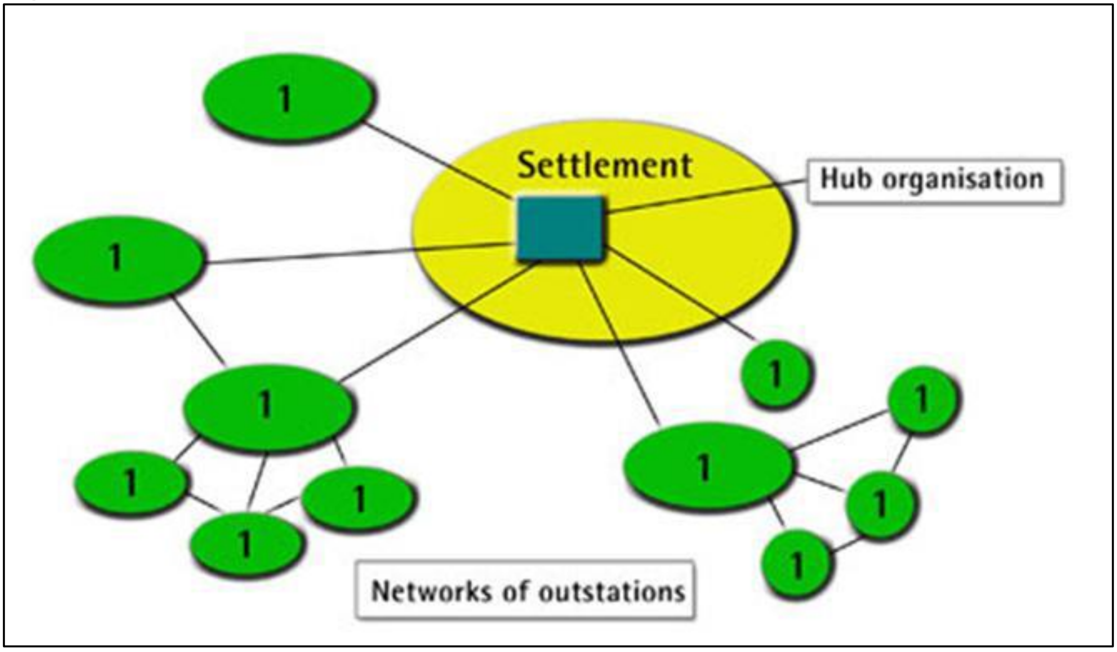
4.13. Hub and Spokes: Centralised Administration and Decentralised Governance (Outstations).

There are several common features of outstation models that may be useful for others. The majority in the NT are models comprising centralised administrative hubs servicing outlying dispersed members who also govern the overall organisation is a common 'hub and spokes' model; for example, Layhnapuy Homelands Aboriginal Corporation; Tjuwanpa Outstation Resource Centre, Bawananga Aboriginal Corporation.

1. Flexible hub and spokes model

Hub and spokes organisations are common as the structural model underpinning a number of Aboriginal organisations; either as the core structural design feature, or as one component alongside several other structures together forming a more complex aggregated, customised structure.

Figure 1. An outstation hub and spokes model.



2. Residentially decentralized scale

The advantage of this structural model is that it allows a number of dispersed small communities (e.g. outstations or homelands) the residents of which have strong cultural connections, to be able to continue to live on their traditional lands. These decentralised groups can vary greatly in their population size.

3. Decentralised governance

At the same time as being able to pursue a way of life associated with the homelands movement, the hub and spokes model enables culturally-connected but residentially dispersed groups to be able to exercise governance as the spokes that are linked into a single administrative hub.

This is usually done by the traditional land owners of each outstation or small community nominating a representative who acts as a member on a single governing board. That board usually meets regularly at a hub office located in a central larger settlement.

A major advantage is that governance can maintain a strong cultural foundation and legitimacy. Decision making is invariably informed by traditional Aboriginal principles; such as consensus.

4. Centralised hub administration

The hub office provides administration, financial planning and accounting, grant submission and acquittal, service delivery coordination, and advocacy concerning the funds and support needed by the community members.

5. Economies of scale

There can be significant economies of scale to be obtained from having a single administrative and resource/service delivery hub for multiple surrounding outstations or smaller communities.

6. Challenges

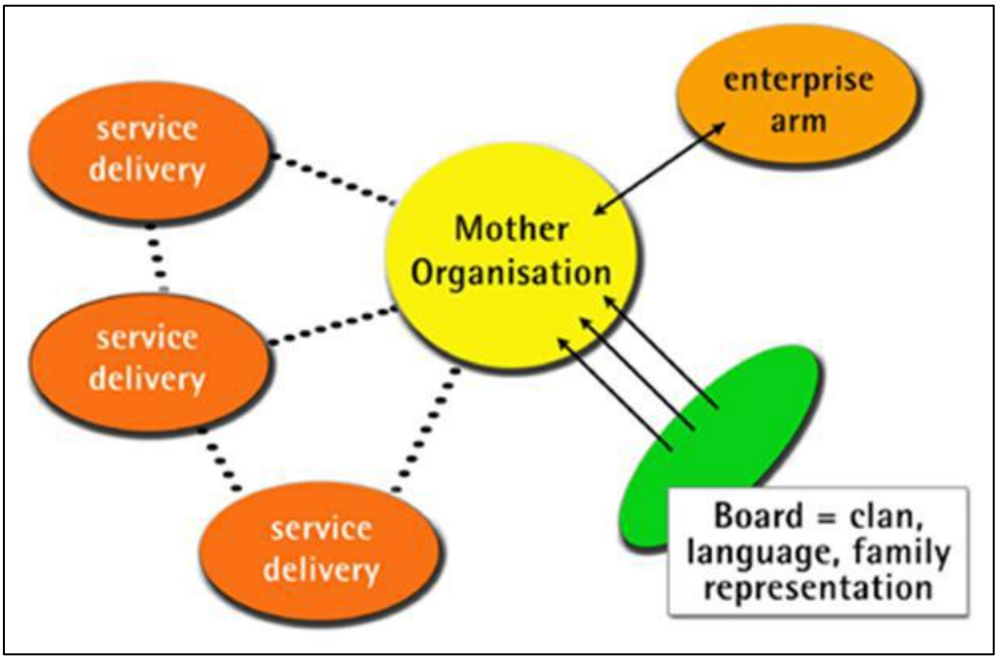
A major challenge in such a model is for the dispersed members of the governing body to adequately monitor the performance of the CEO who invariably is located at the hub office. Conversely, CEOs are often far removed from their board members and must rely on periodic meetings to obtain instructions.

4.14. A relational network: An urban 'family' of organisations and enterprises (Yarnteen).

The Yarnteen Group, NSW : http://www.yarnteen.com.au

There are several common features of the Yarnteen model that may be useful for others, regardless of whether they are located I rural, remote or urban areas.

Figure 1. A 'Family' of closely 'related' organisations, including business and community service delivery.



1. Adaptive flexible governance

The governance of some community and regional organisations is structured like a big family, with service and business arms emerging from a founding organisation. Membership of the boards of these incubated linked organisations can be based on kin relationships and extended family ties.

A great advantage of this model is that it is able to integrate a wide range of kinds of organisations, including both incorporated and non-incorporated, along with smaller project initiatives that might eventually evolve into fuller organisational models.

2. Incubated origin of a conglomerate of organisations

The Yarnteen Group in Newcastle NSW is a well-established conglomerate or network of closely related organisations which have been incubated into operation by a founding 'mother' organisation. Yarnteen Aboriginal and Torres Strait Islander Corporation was itself established in 1991 through such a facilitated incubation process.

3. A core stable governance structure

Yarnteen wanted to avoid the problems that other urban organisations had experienced by having open-ended, amorphous community participation that had lead to unwieldy representative structures. As a result, Yarnteen Corporation focused its governing structure on a core group of large extended families in Newcastle who had well-established connections with each other.

In 1991, a Yarnteen Management Committee was established which represented four major extended family groups. The Committee started with 10 members, and is now called the Yarnteen Board of which there are now 8 members.

4. A family of younger organisations

Just as Yarnteen Corporation was itself incubated into existence by a mature organisation, as it has grown and taken up opportunities it has incubated a variety of offshoot organisations using several different organisational strategies:

- some are separately incorporated organisations;
- others are wholly-owned business subsidiaries; and
- others are non-incorporated centres and units operating with the Corporation.

They collectively form part of what is called the Yarnteen "family of organisations" or the "Yarnteen Group". Some of the same people sit on several of the boards.

5. Networking out

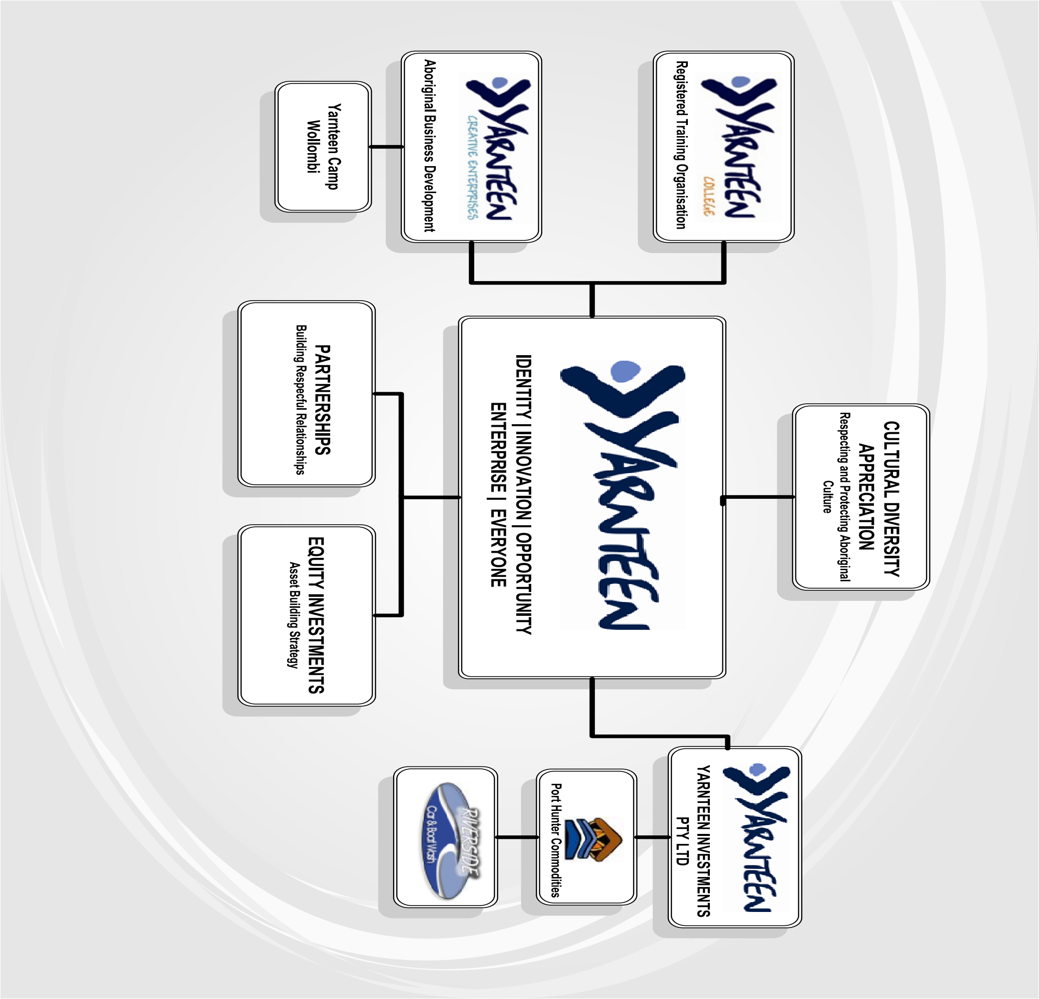
To support its focus on economic independence, Yarnteen deliberately makes contacts out to the wider business community in Newcastle and beyond.

It has initiated several partnership with major private sector companies – both for business and community welfare objectives. These partnerships have provided contributed to its resilience over the longer term.

6. A strong internal culture

Yarnteen's leaders have consciously and persistently promoted an internal culture of good governance and institutional strength (i.e., shared values, standards and behaviour) within the group of organisations, amongst staff and managers. This has greatly contributed to its resilience and solid business reputation.

Figure 2. The Yarnteen Family of Organisations.


YARNTEEN
IDENTITY | INNOVATION | OPPORTUNITY
ENTERPRISE | EVERYONE
YARNTEEN COLLEGE
Registered Training Organisation
YARNTEEN CREATIVE ENTERPRISES
Aboriginal Business Development
Yarnteen Camp Wollombi
PARTNERSHIPS
Building Respectful Relationships
EQUITY INVESTMENTS
Asset Building Strategy
CULTURAL DIVERSITY APPRECIATION
Respecting and Protecting Aboriginal Culture
YARNTEEN
YARNTEEN INVESTMENTS PTY LTD
Port Hunter Commodities
RIVERSIDE
Car & Boat Wash

PART 5

PATHWAYS TO SUCCESS:
CRITICAL FACTORS THAT MAKE A DIFFERENCE IN ORGANISATIONAL GOVERNANCE

This part of the report sets out the common factors or conditions that the research analysis has identified as being critical to resilience and effectiveness across all the case studies. They are summarised below in order to map out some pathways to success that might assist groups and organisations when they are getting started or reinvigorating their governance.

5.1 THE LIFE CYCLE OF AN ORGANISATION

Every organisation, whether it is incorporated or informally organised, will go through changes as it grows. Correspondingly, the combination of factors needed to build effective governance may change over time as an organisation expands or responds to external changes.

This means that what works well at one point in time may not work down the track.

Also, simply because a concern or challenge has been resolved, does not mean it won't need to be considered again, at a later date and perhaps for different reasons. Priorities and goals may change, new opportunities arise, and so different kinds of governance and management may be needed.

This is not a problem. It happens to all organisations; Aboriginal and non-Aboriginal.

The real problem comes if people don't recognise that their operating environment has changed significantly, or that their way of organising themselves is not working as well as it used to. Or if they are stuck in a 'comfort zone' and don't want to, or cannot, adapt.

A number of the case-study organisations are well-established and very experienced. The fact that they have managed to sustain their business, governance and service-delivery performance over many years—sometimes in the face of major changes and challenges—means there is much we can learn from their experience and ability to adapt to a changing environment.

5.2 SOME COMMON CRITICAL FACTORS

Success, or effectiveness, in organising governance does not follow a recipe; there is no simple formulae or checklist. There are as many 'intangible', subjective qualities involved as there are 'hard' indicators. And it depends not only on a group's aspirations and circumstances, but often on conditions that are not under their direct control.

Nevertheless, the case studies and research evidence examined for this report *do* show that, not withstanding the differences (in the histories, scale, functions, structures and governance arrangements of Aboriginal organisations), there *are some common factors* that appear to be extremely important building blocks for Aboriginal governance success.

These factors are important not only because they practically contribute to effective governance. If ignored or poorly executed, they can also disable and undermine governance. As with all such examples of what works well, Aboriginal groups will need to come up with their own customised version to suit their unique local situation.

The common factors that have been identified are described below with a brief explanation of why they make a positive difference; with brief examples from the case studies. Importantly, in all the factors identified below, the case studies show the board members and their management engaged in ongoing conversations about the importance of Aboriginal modes and values of governance, and how those might best be integrated or reflected in their organisational governance arrangements. In every case study, this conversation is renewed again and again.

Under each factor, some questions are listed that can be used by Aboriginal people and those working with them on governance initiatives to:

- kick-start a conversation to take stock of where they are at;
- determine whether they are on track or off course; and
- decide whether they need to make any changes to the way they do things that will work better for them into the future.

SUCCESS FACTOR 1: WHO IS THE 'SELF'

> *The law, social frameworks and economics of Yolngu culture are the backbone of ALPA's identity … ALPA has become a contemporary business underpinned and driven by Yolngu aspirations; quite a balancing act that will only become harder with time.* (ALPA Chairman).
>
> *ALPA's governance is supported by two bodies of law, contemporary and traditional. The Directors, all strong in law and culture, have over many years explored and utilised the legal and economic parallels that exist between corporate governance and their own traditional legal structures. The process strengthens both and underpins ALPA's foundation.* **(ALPA Case Study)**.

A clear idea of group identity, relationships and membership is the foundation for building legitimate governance.

When designing new governance arrangements it is critically important to be clear about exactly who is involved in your governance—Who is the 'self' in your self-governance or self-determination?

Internal disagreement about this issue can cause enormous and ongoing problems for building effective governance.

A related lesson from the case studies and research evidence is that people share a deep desire to ensure their cultures have a place in their governance and organisational arrangements; and that place has to be respected and workable.

> *Cultural vision and values and identity have remained at the heart of decisions about changing WYDAC's structure and governance when needed.*
>
> *WYDAC prides itself on having a strong form of "two-way" governance where Aboriginal and non-Aboriginal people work as a "team". To reinforce that valued approach, the Board has guiding "principles" to inform its decisions. These are based on Warlpiri laws, culture, language and aspirations, as well as knowledge of western corporate governance.*

> *WYDAC recognised that the positive 'two-way' cultural balance which has provided such a strong foundation of resilience for the organisation does not simply continue by itself, but needs to be actively nurtured and promoted.* **(WYDAC Case Study)**.

A major challenge that follows from this is the need for each group to work through:

- the extent to which their culture (laws, beliefs, relationships, values, ways of doing things) should—*or should not*—be integrated into the governance of an organisation; and

- how that can be done so that solutions are practically workable and credible.

For example, Aboriginal cultural geographies of identity could be used as a basis for rebuilding governance structures, and help give greater legitimacy to arrangements involving land.

But the extent to which cultural geographies are used to inform governance depends on the objectives and functions of the proposed organisation. For example, they might be incompatible or inappropriate for a business or peak body working across several regions or jurisdictions.

Sometimes changes to governance are welcomed by the members of a group or community; for example, when the changes come from within the group itself and are viewed as being culturally legitimate (credible and proper).

Sometimes the changes are seen to lack legitimacy—particularly if designed by the wrong people or are imposed by outsiders. Also, Aboriginal cultural diversity within the NT means governance legitimacy will come in a variety of forms.

There is no simple fast-track answer to working out the place of culture in governance arrangements.

However, a fundamental principle upon which the process should be based is that of "informed Aboriginal choice" where Aboriginal people generate the solutions, on the bases of their own informed and inclusive decision making.

The important thing to remember is that it all takes time and will have to be done incrementally. It takes time to consider issues, to consult widely and inclusively, get feedback from groups or community/regional members. It takes time to come to consensus, to experiment, change and adapt.

And because group membership may change over time, or according to the context, these questions may need to be reconsidered at a later date.

Some questions to discuss, and share information and ideas about:

- Who is the 'self' in your governance for this organisation/project; i.e., who are the members of your cultural group? Who are members of your community? Who are the members of your region?

- Who are not members of your cultural group? Who are not members of your community or region?

- How do people become members of your cultural group?

- Which of these groups, communities or regions are appropriate as a membership base for your governance?
- Are there particular people within the group who are seen to have greater cultural authority about governance issues?
- How do you include/accommodate the different rights and interests of your group members?
- How do you include/accommodate the different rights and interests of your community or across a region?
- Are there other groups or communities who might have an interest in what you are doing with your governance? How do you address those?
- What role do you want your collective cultural values, processes, structures, rules and relationships to play in your organisational governance
- How might that change over time?
- Are some aspects of your culture (e.g. specific values, leadership qualities, ways of making decisions) more important to integrate into your governance than others?
- Which aspects of your culture will strengthen your organisational governance?
- Which ones might be inappropriate or undermine your organisational governance?
- Are there areas of cultural knowledge or relationships you want to keep separate from your governance?
- How will you marry or align these culturally-based governance ideas with the western modes of governance that will also operate in your organisation?
- How will you find out if your solutions are acceptable and credible to the members of your group, community or region?

SUCCESS FACTOR 2: HAVING A MANDATE

> *There are several factors involved in the organisation's resilience and success: A critically important factor is its community-based history and continued community support. The organisation was created because local people in one community wanted to do something to make a difference for their kids. It was a "home grown" initiative with a strong sense of local ownership of a local agenda*. **(WYDAC Case Study)**.

Definition: **Mandate** means to give someone authority to act in a certain way; granting permission or approval to undertake certain functions on behalf of others; the power or right to give orders or make decisions; authorisation to act in a particular way given by citizens or the electorate to its representative.

Definition: **Free, prior and informed consent** means that agreement must be obtained free of duress or pressure, and ensuring that Aboriginal people give their consent on the basis of receiving full, accurate information and having an adequate understanding of the proposal in question.

The case studies consistently show that at the very beginning of getting started with organising governance for a project or a new organisation, it is critical to have strong and wide support—a mandate—from one's members (whether those are group members, community residents; partner organisations, businesses).

This raises the challenging issue of how to make sure that group and community members are fully engaged in the work of revitalising governance, and have agreed to a process of decision making.

The case study organisations consistently mention the time-consuming practical work that is required to keep dispersed Aboriginal members up to date on relevant legal, social and political developments and initiatives; and engaged in decisions about changes in governance.

The credibility of members' initial mandate to establish any kind of organisation (whether it be informal or incorporated) will continue to have profound effects upon its subsequent viability.

People with legitimate claims to membership who are arbitrarily excluded will continue to press their rights and interests. The legitimacy of an organisation's governance may be significantly undermined over the longer term if a degree of consensus is not negotiated about representation and membership.

Some questions to discuss, and share information and ideas about:

- Who are the people you are representing or acting on behalf of?
- Have you consulted widely and inclusively with them?
- Do you have their support and informed consent to proceed into forming a new organisation or changing established governance arrangements?
- How should they be involved in creating/adapting the governance arrangements?
- Are there differences of opinion or priorities within the group concerning what you are proposing to do, or about the process you are using?
- Are there people with different rights and interests in making decision-making about governance?
- If there are, how might those differences be managed and fairly addressed?
- Are there leaders/elders who are considered to be the main or influential decision makers and who need to be involved?
- Do you have their support and informed consent?
- Are there other people or players you might need to talk to? Do you need their agreement; or just their support?
- How will you keep the different groups up to date about what you are doing?

FACTOR 3: MAKING INFORMED DECISIONS ABOUT GOVERNANCE

> *All [board members] emphasised that they take a consensus approach to decision-making—talking through the issues and expressing their different points of view, and then coming to a shared decision. Once a decision is made, board members think it is important to stick to that agreed position. Individual members said they feel able to contribute to discussions during meetings, and that their ideas and views are respected and listened to.* (Yarnteen Case Study, Smith 2006).
>
> *People are careful and sensitive about the decisions they make because they know they have to think about everyone, and they have to deal with the effects for all Art Centres not just their own (Desart CEO)*
> **(DESART Case Study).**

Creating or strengthening governance arrangements involves making a lot of very important decisions. Unfortunately, Aboriginal groups are often under pressure to make fast decisions about issues that will have important consequences for the future.

Sometimes people quickly adopt a particular structure for organising themselves in order to get action happening. But they may do so without having considered the options, or the pros and cons. Also, decisions may be challenged if made by the wrong people.

At other times, decisions are taken out of Aboriginal people's hands. For example, when advisory or consultative structures are established by external agencies (such as government departments or private sector companies) but give little genuine decision-making powers to local Aboriginal people.

Even so, there are many issues over which Aboriginal groups *do* have control, and the first of these is how they go about making and enforcing their own decisions. That starts with making informed decisions about governance arrangements!

Cultural diversity is sometimes seen by outsiders to be a problem that undermines 'objective, 'fair' decision making. But the case studies show that culture can be an important strength, not a problem; that it can be part of the solution.

Some questions to discuss, and share information and ideas about:

- How are decisions made in your group, community or region?
- Who makes decisions in your group or project?
- How much decision-making authority do you have in order to make decisions about governance for your group/project?
- How will you go about getting instructions from your members on which to base decisions?
- How will the group/community collectively make informed decisions about governance?
- Do you want to use Aboriginal culturally-based ways of making decisions, western ways, or is it dependent upon the issue/context?

- Have you got sufficient information to assess risks and make informed decisions?
- Do your decision-making processes have credibility with your members?
- Are there other players who need to be involved making decisions?
- How are your decisions communicated to members and other players? And how do you get feedback on your decisions?
- How will you implement decisions?

FACTOR 4: AN ORGANISATION'S VISION AND PURPOSE

> *A fundamental aspect of the Yiriman Project is that it was a community-driven initiative with a clear vision and objectives. Getting improved outcomes for kids was more important to community people than setting up complex incorporated structures.*
>
> *Yiriman's governance works because there is and always has been a very clear sense of who established the project, why they established the project and what they want the project to achieve.*
> (**Yiriman Case Study**).

Definition: Vision is the guiding image of success for a group or organisation about where it wants to be in the future. It is a 'language picture' or description that evokes a shared understanding of what you would like things to be like in the future. A vision shows you the direction you're going in, but doesn't necessarily tell you how to get there.

Definition: Purpose is the specific reason for which something is being done or created; what it is expected to achieve and why. It's about your intention or determination. A 'statement of purpose' often includes a description of the best practices, values and standards that you will adopt to get the desired result.

When you know which direction you want to go and what your purpose is, it's easier to figure out how to get there, and to stay on track when difficulties arise.

The case studies demonstrate that long-lived organisations are cohesive; they a strong shared sense of identity.

When the members of an organisation has a clear sense of its vision and purpose—including about its governance—they are much more resilient when the going gets tough. This is because having a strong vision allows people to respond to new opportunities by assessing whether those will contribute to, or undermine, their long-term goals.

Similarly, having a clear and agreed purpose enables people to develop a baseline from which to consider their choices and develop some benchmarks against which to test their decision-making.

Some questions to discuss, and share information and ideas about:

- What kind of group, community, society do you want for your children and their children in the future?
- Do you have a clear vision that you can explain to others or write down (a 'Vision Statement') that captures your collective future dream?
- Do you think most of your members understand and agree on the vision your organisation or group should take in the future?
- What is the purpose of your organisation? What are you trying to achieve on behalf of your members?
- Do you think most of your members understand and agree on that purpose for the organisation?
- Are there cultural values you want to include in your vision or purpose statement.
- Do you need or want to have a *Governance* Vision and Purpose Statement to set out the kind of *governance* you want to build and be known for, and your commitments to governing well?

FACTOR 5: LEADERSHIP AND REPRESENTATION

> *The Executive Directors have collectively reinforced an approach within their meetings that emphasises the need to think about the overall 'big picture' and what will work for everyone across the region. This strategic decision making appears to now be embedded within the Desart Executive governing culture…..*
>
> *People are careful and sensitive about the decisions they make because they know they have to think about everyone, and they have to deal with the effects for all Art Centres not just their own* (Desart CEO). **(Desart Case Study).**

Definition: Represent means to act as a recognised delegate or spokesperson for somebody else's interests, wishes, rights or welfare. **A representative** is a person who is chosen by a group of people through cultural processes, or elected by democratic voting, to take action and speak on their behalf.

Aboriginal leadership is critical to the development of strong direction and purpose for an organisation. Leadership and management, are not necessarily the same thing. The case-study organisations emphasise they need to have both, and to sustain their effectiveness over time.

The case studies display a wide range of criteria used for s/election of representatives onto governing boards and committees: including their being seen to have traditional ownership and knowledge; political skills; extensive networks, good communication skills, personal qualities, expertise in finance, business and management. The choice of a representative is also directly related to the purpose of the organisation or the project.

The effectiveness of a governing board is closely linked to whether the *combined skill set* of its representatives contributes to achieving the overall purposes of organisation and its member.

Leadership in NT Aboriginal communities is challenging. Leaders who stand as representatives on an organisation's governing body must be accountable not only to their own group or community according to culturally-based rules and expectations, they must also be accountable to outside funding bodies and partners according to another (sometimes entirely different) set of rules and expectations.

The continuing cultural legitimacy of a board to govern an organisation is highly dependent then on how its members communicate and interact with their membership, and on their ability to deliver outcomes for them.

The case studies indicate that having *stable* representation over several years also provides considerable benefits to the overall effectiveness and resilience of an organisation.

Some questions to discuss, and share information and ideas about:

- What kind of representative qualities, skills, experience, expertise will best suit your organisation's vision, purpose and governance needs?
- What kind of s/election procedures will deliver fair and credible representation of the various rights and interests of your group or community?

- Are there gender and age factors that need to be taken into account when s/electing representatives?
- What kind of leadership will contribute to effective, legitimate governance for your organisation?
- Who will have governing power in the organisation? Who gets to make decisions?
- How can you evaluate your leadership for governance?
- What kind of support do your representatives need to effectively perform their job of governing?
- Are there any processes (formal or informal) in place to ensure stability as representatives change on the governing body of your organisation or committee?
- How can you identify and develop the next generation of strong leaders?

FACTOR 6: FIT FOR PURPOSE - THE GOVERNANCE STRUCTURE

> *The Desart 'service region' is one of the largest and most diverse of any Indigenous organisation in Australia. Its 40+ member Art Centres work on behalf of approx. 3,000 artists from 16 distinct language groups spread across three State/Territory jurisdictions. This has presented Desart with particular challenges for which it has designed (and reassessed) innovative organisational and networked governance structures.*
>
> *For a start, there is great variation amongst the operational structures and governance arrangements of Desart's member Art Centres. The Annual Member Survey of Art Centres undertaken by Desart in 2013 found that approx. 69.2% of the Centres were independently incorporated associations, and approx. 30.8% were operating under the umbrella of an auspicing body (for example, a local government shire, outstation resource centre, company, women's centre, as an annex to a school or NGO)* **(Desart Case Study).**
>
> *AMSANT has had to develop innovative governing structures and strategies to support a coordinated approach to securing improved outcomes. AMSANT has a unique peak governance model that consists of a CEO-based board at the peak level with constituent members having diverse Aboriginal representative boards drawn from their surrounding areas*. **(AMSANT Case Study).**
>
> *The governance structure (of Yarnteen organisation) was seen as an important strategy to achieve the long-term objectives and economic self-sufficiency of the organisation. Our number one priority was to have a governance structure that was sensitive to and compatible with the cultural diversity and interests of our community, but importantly that offered stability and contributed to good governance rather than undermining it.* (Yarnteen CEO). **(Yarnteen Case Study).**

The case studies testify that one of the most critical early decisions people can make, which will have ongoing consequences for the future, is about what kind of structure or model will best enable them to collectively achieve the things that matter to them.

Aboriginal people need to make well-considered, informed and self-determined choices about this very important issue.

There are many possible structures for organisational governance. Some involve legal incorporation under government legislation; others enable a group to pursue more informal ways of organising themselves along relationship and cultural lines.

The type of structure people choose has immediate implications for:

- the extent to which Aboriginal cultural ways of governing can be integrated into an organisation;
- the number and kind of representatives they can have;
- the ease and cost of establishment and subsequent operation;
- the extent to which external parties must be provided with certain information;
- what kind and detail of information that must be provided;
- what kind of external intervention can occur; and
- how easy it will be in the future to make changes to the structure.

With an appropriate structure, a group will be better able to carry out their activities, in ways that better align with their cultural values and any legal requirements.

The critical factor that comes into play right from the beginning is whether a proposed structure is ‘fit for purpose’.

Definition: 'Fit for purpose' means that the structure is appropriate and well equipped for the particular intended vision, purpose, activities and goals. The structure is good enough to perform the task it was designed to do.

Being ‘fit for purpose’ includes the structure also being a good ‘cultural fit’.

Perhaps one the biggest decisions to make is whether to incorporate or not.

Some of the case-study organisations chose to remain unincorporated in order to retain maximum autonomy, decision-making flexibility, self-determined priorities, and strong cultural ways of governing.

Some have remained unincorporated. Others have progressed slowly into incorporation several years later, as their organisational life cycle has entered into a phase of expanded growth or they have applied for government grant funding. Incorporation is usually a pre-requisite for government funding; and often for private-sector funding as well.

An organisation’s structure may ‘fit’ for a particular purpose now, but may not be equally as fit if the core purpose or priorities change, or the external environment changes.

An important issue to consider then, is whether the structure has sufficient flexibility to enable refinements or even major changes to be made later on. In other words, is there sufficient structural flexibility to enable opportunistic or remedial action.

Structural flexibility: An important insight from the case studies is that Aboriginal groups are extremely innovative at maximising flexibility by adapting and customising their organisational and governance structures — experimenting and refining to create hybrid structures that do the job more effectively.

For example:

- People consistently design and adapt structures to better align with their culturally-based network of relationships and affiliations, or to accommodate new members, communities and groups.
- This can be seen in small local organisations where the governance structure has been adapted to reflect kin, family or land ownership connections.
- It can be seen in large peak bodies that service massive regional networks of communities and groups, or represent a diverse mix of different types of organisations.
- It can be seen in innovative models that are an amalgamation of several different component structures that do different things. For example, where a number of non-incorporated groups enter into alliance with an incorporated organisation or stakeholders to auspice the financial and administrative aspects of the group's operations.
- It can also be seen at work in the emergence of organisations that are incubated structures being mentored and 'grown up' by a 'parent' or host organisation.

These are Aboriginal-initiated solutions that work.

At other times the decision to change a structure is influenced by external conditions and may cause difficulties for an organisation if not supported or adequately managed.

Some funders, for example, will allow auspicing arrangements, others will not. As above, some funding bodies will only provide grants to community groups that are incorporated, or who have a certain tax status (for example, organisations that are income tax exempt or have deductible gift recipient (DGR) status).

In this context, a successful organisation is one that can assess whether its structure is still doing the job it was intended to do, or whether it needs a 'tune-up'.

Definition: Incorporation is an organisational structure that is recognised by state, territory and/or national laws. It is formed by a group of people who have a common interest, vision and purpose, to carry out activities on their (and perhaps others) behalf, in the name of that organisation.

The decision to incorporate or not has significant consequences for people. For example:

- Incorporated groups follow a particular structure, with rules (a constitution), members, and a governing body (often called a board or committee).
- The organisation can enter into contract, sign a lease, employ people, and

sue and be sued.

- It has power to acquire, hold and dispose of property and assets in its own name, not necessarily that of its individual members.
- It must report to the relevant regulator responsible for their type of structure, (for example the Australian Securities and Investments Commission (ASIC), ORIC).
- Being incorporated has consequences for the members of the governing board or committee as they have legal duties in their roles.
- Incorporation is based on centuries of Western law, and so is based on western concepts and standards about the best ways to govern.
- It can involve substantial start-up costs and ongoing workload; including, applying for and acquitting grants, setting up administrative systems; and the cost and work involved in compliance with statutory and reporting requirements.

Definition: An Unincorporated (or non-incorporated) organisation is a group of people who come together with a common interest, vision and purpose, but do not formally incorporate under any government law. As a result, their unincorporated way of organising themselves is not via a separate legal entity.

This means it is not able to acquire property in its own name, and usually can not receive government grants in its own name.

The advantages of being an informally organised group are that you:

- don't have to pay the costs associated with incorporation;
- don't have to comply with many of the requirements nor fill out the forms imposed on corporations;
- have greater control over your own agenda and flexibility in your decision-making procedures;
- have greater freedom about how you want to integrate your cultural ways of governing into your organisational arrangements.

Under such informal conditions, groups can still enter into partnerships, and alliances, including auspicing arrangements in order to gain access to financial functions and administrative services usually associated with incorporated organisations.

> *"We will never be abolished and never have administrators appointed. The community set the structure not the government. It is traditional governance".* (**Murdi Paaki Case Study**).

But there are a number of other options a group can consider. For example, a group may have the option to use trusts. But trusts are predominantly 'giving' structures (i.e., for distributing income via grants) rather than 'operating' structures (i.e., for running businesses or programs). And somewhat like incorporation, they too usually have strict rules regarding how their assets are managed (the trust deed) and their taxation arrangements.

Given the importance of the decision to incorporate or not, or to use other mechanisms such as trusts, groups may want to seek specific legal advice, including about which incorporation legal framework will best suit their aims, activities and cultural priorities.

Some questions to discuss, and share information and ideas about:

- Do you want to set up something new or go with a pre-existing solution?
- To what extent do you want to look to your Aboriginal culture for structures and ways of organising your governance?
- What kind of structure will best align with the system of representation you want to have?
- Should you legally incorporate or stay unincorporated and informal? What are the benefits, disadvantages and risk of both?
- Should you go it alone or seek partners and alliances?
- Who would hold and help manage your funding for you if you are unincorporated so can't hold it in the name of your organisation?
- Which structure will enable you to better access or share specialist expertise and resources?
- Are cultural geographies relevant to the kind of structure you need?
- Which structure will best fit the scale you want to operate at; e.g. local community, regional, NT-wide, cross-jurisdictional?
- Which structure will best fit the cultural networks and affiliations that will be the foundations for your governance legitimacy?
- Do you need a structure that supports decentralised, dispersed governance; a more centralised 'hub and spokes' strategy; a coalition, alliance, or peak body purpose?
- Does the structure allow for a clear demarcation of powers and roles across its layers?

FACTOR 7: SUBSIDIARITY: CLARITY AND CONSENSUS

Definition: Subsidiarity is a process of devolution within a system or structure which aims to provide each of the component units, parts or levels with relevant effective control over their own spheres of decision making and action.

The idea underlying subsidiarity is that functions, powers and decisions which can best be carried out at a local organisational level, are devolved to that level. Conversely, regional or more centralised levels of governance within the same system or structure should carry out functions and initiatives that exceed the capacity at the local level.

The principle can be seen at work in situations where the quantity of administration handled by a local organisation or unincorporated group becomes overwhelming, and a regional or auspicing organisation assumes responsibility for the administrative work.

It is also clearly evident in the peak organisation case studies in this report – in relation to the roles and responsibilities they undertake on behalf of their member organisations.

The principle of subsidiarity allows the possibility that Aboriginal governance can be dispersed across several interdependent layers; not confined to a single centralised unit. A valued characteristic is its negotiated division of roles, authority, rights and responsibilities across different groups, scales or levels.

This feature can be seen at work in the networked solutions that Aboriginal people often devise for their governance. For example, all the case study organisations, regardless of size, location, purpose or scale, have some type of network design underlying their organisational structure and governance arrangements.

This is not surprising. Australian Aboriginal societies practiced subsidiarity in their traditional governance and socioeconomic systems, where they recognised the benefits of united strength and larger coalitions, at the same time as wanting to preserve a high level of local autonomy (local control). It is encapsulated in what anthropologists call the relatedness-autonomy dynamic in Aboriginal society.

The Desart governance model is a classic and sophisticated example of networked subsidiarity, created to respond to the regional and cultural diversity of its member Art Centres and artists:

> *[It] is a mix of cultural authority, communal and collaborative decision-making, men's and women's business and ORIC compliance, such as Annual General Meetings.* (**Desart Guidebook**: 85).
>
> *Culture first: We see culture as the priority and foundation for all our work.*
> *Diversity: We respect the cultural diversity inherent to Central Australian Aboriginal peoples and their communities"* (**Desart Annual Report** 2013 and **Desart Website**).

An important factor in the success of Desart's model of networked subsidiarity is its firm recognition of the ongoing autonomy of its constituent member Art Centres.

The case studies demonstrate that subsidiarity in an organisational structure improves the fit or alignment between areas of authority, action, economies of scale and local conditions, in ways that allow groups to respond more adaptively at the appropriate levels.

There are risks however to organisations and their governance if subsidiarity is poorly implemented or unclear. For example, if rescaling to one level of a social system or structure occurs at the expense of others, it will predictably give rise to local and/or regional tensions that could undermine legitimacy and effectiveness.

The experience of the case-study organisations is that problems can be minimised when rescaling of a network occurs (e.g., expanding a local organisation into a regional one) if the organisation's members have been actively engaged in the decisions leading up to that happening, are generally well-informed and give it their support.

The studies also confirm that in order to be judged by members as being legitimate and effective, a networked structure must have clear and transparent accountability across *all* the different levels.

Some questions to discuss, and share information and ideas about:

- Are there traditional connections and relationships within your group, community or region which need to be taken into account in the way your governance is structured?
- Are there different cultural geographic scales (e.g. local, regional, networks) that should be taken into account in the way your governance is structured?
- How will you ensure your governing body broadly represents all the various layers of groups, interests, clans, families, communities that might need to have say in the decision-making about your organisation?
- Are there particular/different governing powers, roles and responsibilities that should be allocated across the levels or units of your organisational structure?
- Who is authorised to speak on whose behalf and about what issues in your governance?
- How will you ensure that your networked solution will be workable in practical terms of the costs and workload involved in regularly communicating and consulting with all your members and governing representatives?
- How will you ensure that decision makers at the different levels of your structure are held accountable?
- Do your members understand the way different powers, roles and responsibilities have been distributed across the networked layers of the organisational structure? Have they agreed to that distribution?
- Are there effective checks and balances in the structure to make sure monopolies of power by local or regional elites are not expanded or entrenched

FACTOR 8: THE CHALLENGES OF GETTING STARTED

> *The approach of Western Desert Dialysis in the early days was to take things slowly. They trialed their approach and services for the first three years, before they went on to become incorporated. This meant they were able to build strong local control in their early establishment phase. It also meant that they had time to build confidence in their own approach to governance and service delivery*. (**WDD Case Study**).
>
> *Nola Taylor, a Martu artist, says Martu were initially hesitant about creating an art centre because they wanted to be sure that they would have control over the way their works were presented to a wider audience. The community wished to make its own decisions and not risk allowing other people – no matter how well intentioned – having too great an influence on important decisions*. (**Martumili Case Study**).

The process of getting started on building contemporary forms of governance involves substantial time, effort, and consideration of your shared history, purpose and values, your mandate to proceed, and the resources you need to do the job.

Sometimes people have to make urgent changes to their governance because of an internal conflict or immediate turbulent crisis. Sometimes changes to governance are imposed on groups and organisations by external agencies or government departments.

Whatever the initial cause, governance solutions will be more effective and sustainable if they emerge from within your own group or organisation.

The case studies reveal some common conditions that seem to have helped the organisations concerned to get started on the hard work of organising their governance in ways that work well for them.

These common conditions include having:

- a core group of local Aboriginal people who want to get something happening and are willing to lead the way;
- people around them with a shared commitment and time to do the hard work;
- a strong future vision within the group of what it is they want to do, where they want to head and why;
- a focus on sorting through the kinds of group relationships and connections that might form the basis for an organising structure;
- an ongoing conversation within the group about governance ideas and options that start winning support from the wider community;
- some good negotiation and mediation skills to settle differences of opinion and vested interests;
- a clear idea of the group or community's own strengths, assets and expertise that can be called upon;

- information about what solutions and arrangements have worked well for other groups;
- realistic goals that people feel they can do something about. Sometimes its best if the first steps are small and incremental;
- an initial implementation plan that allows people to continue to experiment and make mistakes; and
- good contacts with external agencies and people with expertise so that the new organisation can get maximum support without loosing control of the direction it wants to take.

Considerable costs can be involved in establishing or reinvigorating governance arrangements. The resources needed include: funds; capital infrastructure; meeting or office space; people's time, skills and work; legal advice; administration services and systems, travel costs and so on.

Some questions to discuss, and share information and ideas about:

- What are the weaknesses and gaps in your current governance? What are your specific concerns and priorities for action?
- Are there expectations in your group or community about the appropriate structure for governance?
- How will you translate your insights and strengths into practical plans and action, and make sure you stay on track?
- Who will be responsible for doing it, and by when?
- What are the existing strengths, talents and experience within your group or community that will help build or reinvigorate your governance?
- What additional resources, skills, support do you need? Where might you get them from?
- How dependent will you be on funds from other governments or other outside funds?
- What are the risks involved in what you hope to do, and how can you deal with them?
- How are you going to tell if you are making progress and getting the outcomes you want?

FACTOR 9: INVEST IN PRACTICAL CAPABILITY

> *The first full day of a Desart Board meeting, held after voting, is given over to induction with information about the organisation and governance roles, responsibilities and procedures. As part of its own delivery of governance capacity-building, Desart has developed a range of visual tools for explaining financial information for the board.* **(Desart Case Study).**
>
> *There are robust mechanisms for recruiting, inducting and subsequently providing significant ongoing support to staff. As a result, they have been able to select and retain high calibre people.* **(WYDAC Case Study).**
>
> *A hallmark of Yarnteen's well-considered growth and effective performance has been its early and sustained commitment to building the professional and business capacity of its board members, managers and staff, and Aboriginal clients.* **(Yarnteen Case study).**

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

ORIC data show that the majority of Indigenous corporate organisational failures were due to poor performance of directors and staff (ORIC 2010).

This poor performance is related to a lack of resources for local skills training, poor recruitment outcomes, inadequate financial management skills and processes, and inadequate succession planning, particularly in the replacement of key personnel.

The Commonwealth Office of Indigenous Policy Coordination's 'red tape evaluation' found that only half the organisations examined were satisfied with the skills and staff they had available (OIPC 2006).

Capacity building is a central concern of all the case-study organisations. All of them are making serious investments (of time, funding, support and in-house training) in designing and delivering innovative approaches to the professional development of their governing members, managers and staff.

The case studies also demonstrate that different capabilities are needed at different stages in an organisation's life cycle. These include not just those of individual, staff and leaders, but the ability of the organisation's systems (HR, administrative, information, financial and planning) to cope with the additional workload:

> *In managing this growth we must be mindful of the stresses and strains it can place on staff and our management systems. To ensure we can continue to achieve positive results we must redouble our efforts to strengthen our systems and our staff [and] facilitate training in governance, financial management and the organisation's quality systems for all board members.* **(WYDAC Case Study).**

All the case-study organisations target their training to take advantage of skills in the local and regional economy, giving Aboriginal people a real chance to gain employment.

Also, they do not provide training for training's sake. Rather they provide training that is place-based, on-the-job learning delivered in a way that reflects local community realities, along with necessary organisation-specific skills.

A wide variety of strategies are used, including 'learning by doing', group learning and peer support, specialist workshops and inductions, handbooks and guides, job shadowing, volunteering and mentoring. Many involve intensive support and case management over a sustained period.

Some of the organisations have developed their own in-house surveys and other procedures for assessing capacities, and doing follow-up training and governance development. They are not shy about using external expertise when a fresh eye is needed. And some have developed strong relationships with particular facilitators and trainers who become more familiar with the organisation's operating challenges and priorities.

There is considerable flexibility in the style and delivery of training in order to respond to changing local conditions.

Unless this kind of investment in people is made and sustained over time, organisations will find it difficult to deliver on the promise of their vision and purpose.

Some questions to discuss, and share information and ideas about:

- What abilities are going to be important for developing your governance and operating the organisation?
- What are the current range of capacity strengths and gaps in your local group, community, organisation and governing body?
- Are there particular valued abilities, skills and experience associated with Aboriginal gender roles, or for younger and older people?
- Do your proposals or programs to strengthen capacity have a clear purpose; that is, do you have a clear notion of what type of capacity you want/need to strengthen in your organisation?
- How will you know whether your training and capacity building have been the effective?
- Are there different training, induction, professional development and mentoring needs within the organisation itself?
- How will those capacities best be developed and sustained; and by whom?
- Are there other local organisations or people who can assist with your initial capacity building efforts?
- How will the capacity of younger emerging leaders be mentored and developed?
- What approach to Aboriginal capacity-building might work best for your organisation and suit your local circumstances?
- What are the inter-cultural abilities and understandings that needs to be developed and sustained within your organisation?

FACTOR 10: GOVERNANCE – DOING IT

> *The NRA governing system is based on Ngarrindjeri culture and values that are informed by the ethics of responsibility to Ruwe/Ruwar (body/land/spirit). But the structure has also been designed to be practically and administratively efficient and credible within its wider operating environment. … The traditional governing body of the Ngarrindjeri is the Tendi which operates in conjunction with the NRA and is a member organisation of the NRA.* **(Ngarrindjeri Regional Authority Case Study)**.
>
> *The AMSANT Board of Directors are seen to have the considerable expertise and experience to do a high-quality leadership job on behalf of the organisation and its members*. (**AMSANT Case Study**).
>
> *ALPA's governance is networked so as to enable the dispersed communities to have representation, voice and participation. … It is important to note that there is great stability of ALPA Board membership with many Directors having served on the Board for considerable periods. For example, the current Chairman has occupied that position 22 years.* **(ALPA Case Study)**.
>
> *Not surprisingly, WYDAC's governance has changed and adapted in important ways to respond to its regional expansion and service innovations. …. No longer a single community-specific program, the organisation needed to develop a more formalised governance structure in order to reflect the broader membership of the regional Warlpiri communities. … WYDAC has been an organisation that does things its own way. For example, rather than relying on a traditional board structure with one chairperson, members decided to have two Chairs; one male and one female. This strategy has remained an integral part of WYDAC's governance.* (**WYDAC Case Study**).

There are many components to the job of governing an organisation, and the responsibilities become increasingly complex as an organisation expand its services, staff, and funding base.

Also, ideas about governance may be different from one group, community and region to the next. Different kinds of organisations (e.g. for business, health, land ownerships, natural resource conservation, youth support) may also need particular kinds of governance arrangements.

The important message from the case studies is that whatever the solution to governance and organisational structures, the most important thing is that they are:

- based on informed *Aboriginal* choice and collective decision making; that they are not imposed by a powerful leader or manager, or by external stakeholders; and

- routinely reassessed to see whether they are on track and continuing to work well.

The research evidence demonstrates that when Aboriginal people make their own informed decisions they come up with extremely creative customised solutions for their governance that suit their local conditions and priorities.

Not surprisingly then, the case-study organisations show that a great range of innovative approaches are being taken to building and sustaining governance arrangements in order to make them practically effective *and* culturally legitimate. That is not an easy thing to do in the challenging conditions of remote and urban communities across the NT and so initiatives need constant attention. But the case studies show that many organisations are doing the work of governing very well.

Every Aboriginal organisation in the case-study group actively goes out of its way to acquire new knowledge and skills to carry out the governing roles of boards, councils and committees.

As part of this process many have strategically redesigned their governance arrangements when needed, and tackled fundamental challenges to do with:

- the size, terms, roles, responsibilities of their governing bodies;
- the role and responsibilities of the chairperson;
- communication and consultation with their members;
- having workable and well-understood codes of ethics and conduct for governing members;
- how to better run meetings of the governing body;
- making informed decisions that are implemented;
- governance of precious finances, resources and assets;
- skills for setting directions and planning; and
- performance reviews by governing bodies of their CEOs.

Importantly, governing bodies come in all shapes and sizes, and with a range of terms of office for their members. Some are boards, others are councils, committees, assemblies of elders and traditional owners, extended families, and even groups of CEOs. Many have a mix of these elements to ensure they address the full range of rights and interests within their group, community or region.

Several of the case study organisations are moving to staggered terms for governing members so that they can retain the valued governance knowledge and experience of some existing members as new members come onto the boards.

A number of the organisations have significant stability amongst the core members of their governing bodies. This is extremely rare for Aboriginal and non-Aboriginal organisations in general, and is highly valued. It is seen to contribute to building relationships of trust, and keeping experienced Aboriginal people at the wheel who have acquired a deep understanding of the history and vision of the organisation.

Importantly, this governance stability makes a major contribution to the whole organisation’s stability and resilience.

An incorporated Aboriginal governing body not only has legal duties, but also roles and responsibilities that arise out of cultural values and ways of behaving. This makes the job of governing an organisation extremely challenging.

For example, the members of the governing body not only have to meet the standards of behaviour, financial transparency, reporting and decision making required under their legal constitution and western laws; but they also have to demonstrate their knowledge, respect for relationships and inclusion of their members and elders, through their decision making and behavior in the organisation.

The form that the governance structure takes is usually closely linked to the organisation's original founding purpose and functions, and the scale of its community membership.

But a common issue raised by all the case-study organisations as being fundamental to their governance solutions, is the extent to which they incorporate Aboriginal cultural ways of governing into their organisational governance; and how that might be done.

Several of the organisations have tried to make the representative mechanisms used to s/elect their governing bodies align with the cultural system of authority of their membership.

Another area where cultural alignment with organisational governance is in evidence in the case studies is in the preference for consensus modes of decision making rather than standard western methods of majority voting procedures..

And all the organisations emphasised the importance of building a strong sense of shared values and ways of working that are based on Aboriginal relationships and values that emphasise mutual support and reciprocity.

The degree to which cultural systems and procedures are integrated *directly* into the actual governance structure of an organisation also depends on its functions. For example, health organisations have very specific clinical health governance standards and technical practice frameworks that mean there is a need for medical expertise on their governing boards. The boards of peak bodies can focus on specialist 'portfolio', sector-specific 'portfolio' expertise precisely because their member organisations have the culturally-based representation that brings credibility and grass-roots knowledge via the membership to the peak board.

Importantly, the case-study organisations demonstrate that their effectiveness and success are closely linked to their having developed an emphasis on *adaptive* governance that can respond to changing circumstances.

Furthermore, they all put considerable thought and effort into how they run their board or executive meetings to get the most out of those; for example in allowing ample time, providing information in a variety of visual formats, and having language translations of complex concepts and information:

> *Board meetings are deliberately not rushed – they are spread over 3 days and local Yolngu Matha language speakers are used to facilitate communication and discussion. Key business/financial terms and complex concepts are translated into Yolngu language. … This approach means more work for ALPA staff and an increase in costs to support longer meetings, but it pays dividends in building the governance and decision-making confidence and capacity of Board members who need to understand complex financial and investment information.* **(ALPA Case Study).**
>
> *Desart has moved beyond the standard 'induction day' and been innovative in its approach to embedding governance confidence and capacity. Its strategy has been to introduce governance training as a standard part of most board meetings. For that purpose, it engaged an "Executive Governance Malpa" (a two-way mentor/teacher) who attends about half of the board meetings and provides customised training and mentoring that addresses governance issues as they actually arise in the meeting context.* **(DESART Case Study).**

ORIC (2010) analysis of its own data on organisational failure gives some clues about key issues to look out for when establishing or reinvigorating governance. ORIC reports that the failure of the vast majority of Indigenous corporations is in large part due to:

- poor performance of their directors and management;
- directors not meeting their obligations and duties;
- poor practices around directors and general meetings;
- problems involving pecuniary interests (that is a person's interest in a matter being based on the probability that the person stands to gain or lose financially from it); and
- conflicts of interest amongst directors.

Some questions to discuss, and share information and ideas about:

- What forms of governance representation, size and terms are going to best suit your future vision and ongoing purpose and functions?
- What mix of representation will give you the most inclusive, legitimate and practically workable governance?
- Are there gender, age, knowledge, skills, expertise criteria that you want to accommodate in your governing arrangements?
- Are the s/election processes for members of the governing body clear to your community, region or group members?
- Does your current governing system align your community/groups' ideas about how authority should be organised and exercised?
- Do you need to improve the way your governing meetings are run? Is your governing body happy with the way its meetings are run? Are there changes its members would like to make?
- What kinds of information do they need to make informed, credible decisions? Are there specific formats (e.g., visual, summarised, plain English, language translations, verbal) they prefer information presented in?
- If your governing body is a non-incorporated informal group, how will you support it to make informed, fair and accountable decisions?
- Is there broad community support for your current governing body? Do people think it provides a legitimate governing system for your organisation? If not, why?
- Does your governing body have a strong reputation with other organisations and external stakeholders? If not, why?
- Do the members of your governing body understand their roles and responsibilities, and their proper relationship with management and staff?
- What kind of governing rules, behaviour and values do you want your governing body to follow? Are your community members familiar with those rules for governing?

- Do you think your constitution works well for the organisation? Have there been major changes that mean you need to review your constitution?
- What checks and balances do you have/need to ensure the governing body meets their obligations and duties, and acts in the collective interests of your members?
- What kind of training, support, inductions, professional development opportunities do the members of your governing body want/need?
- What procedures do you have/need to maximise continuity and stability in the membership of your governing body? Are those processes effective and credible?
- Do you have effective and credible plans and actions for succession of younger people onto board positions that are effective and credible?
- Does your governing body have clear and understood procedures for hiring and dismissing the CEO of the organisation and for reviewing his/her performance?
- How can you ensure your governing body develops strong networks out to other influential organisations and groups, service providers, business enterprises, funders etc.

FACTOR 11: ACCOUNTABILITY – BOTH WAYS

> *The partnership with the Shire of East Pilbara is highly valued by Martu artists and central to the organisational capacity and stability of their Art Centre. The arrangement gives Martumili members high levels of accountability, certainty and transparency in regard to the artists' individual funds (held in trust until drawn on by the artist) and the Art Centres' operational funds*. **(Martumili Case Study)**.
>
> *ALPA's solution has been to secure the additional financial and business expertise and advice needed by the Board, by creating a separate Investment Committee on which the Deputy Chair of the Board and the CEO also sit, along with two independent experts. The Board uses the Investment Committee's advice to grow a stronger more diversified ALPA. (ALPA Chairman).* **(ALPA Case Study)**.

Definition: To be accountable means to answer for your actions and decisions, and take responsibility for your mistakes; to be responsible to another; to be able to explain what happened.

As representatives, the governing body members (individually and collectively) must be able to speak on behalf of, protect the rights and interests of, and be accountable to all the general members. Those who make up the governing body are not there to speak for themselves, or on behalf of just a few people.

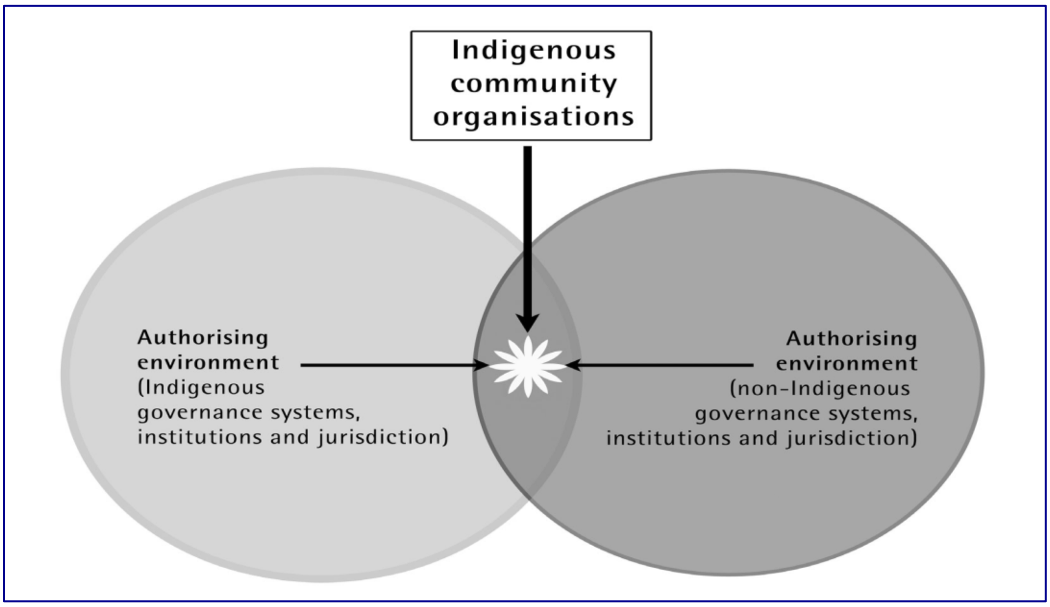
The case studies strongly demonstrate that an organisation's legitimacy largely comes from the authority it has amongst its members or community, and showing that it is accountable to them. In other words, legitimacy and accountability reinforce each other.

But the case-studies show that to be successful, accountability has to run all the way through an organisation; not just sit at the top.

Also, accountability has to work 'two-ways'; it has to be effective back to the organisation's members, and it has to be effective out to the organisation's funders and stakeholders.

Because the meaning of accountability can differ between Aboriginal and non-Indigenous people, the governing bodies of organisations may have to carefully balance their own modes of accountability and values with those of funding bodies and other stakeholders. CEOs and senior managers in the case study organisations spend considerable time into ensuring that balance works well in very practical ways.

Figure 1. The 'two-way' accountability of Aboriginal organisations.


Indigenous community organisations
Authorising environment (Indigenous governance systems, institutions and jurisdiction)
Authorising environment (non-Indigenous governance systems, institutions and jurisdiction)

Many NT organisations are located in remote locations, with their group and governing board directors dispersed over large areas and sometimes across state/territory jurisdictions. So they have developed mechanisms for strengthening their two-way accountability. For example, by developing clear and workable:

- checks and balances that encourage good conduct and discourage 'selfish-determination' and corrupt behaviour;
- governance policies and procedures;
- strategic planning and performance reporting processes;
- statements of roles, responsibilities and delegations;
- ways of making and implementing decisions that reinforce members support;
- AGM formats that encourage members to participate and have a voice;
- s/election processes for deciding who represents group members;
- ways of presenting complex information to governing boards;
- standards for what accountability means to members, staff, governing members and stakeholders;
- policies that address the cultural implications of decisions;

- annual reports and newsletter, radio, television and video to provide information back to members
- ways of regularly consulting and engaging with members in person; and
- regular reporting of financial status back to members and funders

Some questions to discuss, and share information and ideas about:

- What kind of rules or policies do you have/need to build greater accountability.
- Have you got clearly identified roles and responsibilities for your governing body, managers and staff?
- Do you have clear accountability processes that operate effectively at (and between) the different units or layers of your regional or peak organisation?
- Have you got effective ways of consulting with, communicating and reporting to your members and external stakeholders?
- Have you got effective ways of receiving feedback and instructions from your group members and from your Executive respectively?
- Do you get good participation and engagement at your AGMs/meetings?
- Do you provide regular financial reports or updates to your members and funding organisations?
- Do you have workable dispute resolution and complaints processes that operate in a fair and open way?
- Are conflicts of interest declared openly and properly managed

FACTOR 12: MANAGEMENT AND STAFFING – SUPPORT AND SUPERVISE

> *"It's a mixed bag. That's why we are placing lots of emphasis on Art worker professional development. That's where real long-term change will happen. Aboriginal Artworkers having career pathways. It helps overcome problems of turnover of staff. The legacy of that professional development is much more sustainable beyond the turnover of CEOs and managers*". **(Desart Case Study)**.
>
> *ALPA has had its own share of churning of staff, especially managers and staff of stores. Several years ago, ALPA put concerted effort into turning this around. It increased its staff training, provided cultural mentoring for store managers, and addressed workplace relationships and communications issues.* **(ALPA Case Study)**.
>
> *One of the strengths of WYDAC effective governance lies in the close working relationships between the management, staff and the Board. WYDAC has a strong track record of attracting and retaining highly professional, committed staff and CEOs. And this appears to have been an important factor in its effectiveness. … Over the years the organisation has developed a rigorous approach to interviewing and vetting prospective staff…. They carried out their own internal research into factors involved in successful recruitment and retention, and identified the issue of personal 'resilience' as a critical indicator of capacity to fit into the local culture and remote work. As a result, the organisation now tests out this issue in its interviews with potential new staff.* **(WYDAC Case Study).**
>
> *The CEO is seen to have an inclusive consultative style of management, and encourages staff confidence in undertaking delegated areas of important work*. **(AMSANT Case Study).**

The message from the case studies is straightforward. Having competent dedicated staff and management, with strong relationships of trust with the governing body and the relevant group/community are critical foundations for an organisation's success in achieving its vision and goals.

Successful organisations have staff who are determined to empower people to change their own lives. They are 'hands on' and have a strong sense of commitment to and responsibility within their roles. They have personalised relationships with members of the community and leaders, and often have to take on a wide range of responsibilities (and assess the risk of doing this to their longevity in the job), and call upon intercultural skills and experience.

Definition: Management is about obtaining, coordinating and using resources—human, financial, natural, technical and cultural—to accomplish a goal in accordance with set policies, rules and plans. Management can also refer to the people who manage or 'handle' this task.

The size of the staff and management team in the case-study organisations ranges from small and centralised, to larger networked units where managers and staff are dispersed across communities and regions.

High turnover rates of managers and staff are common in Aboriginal communities and organisations, posing risks for the stability and consistency of governance, and the continuity of corporate knowledge and administrative arrangements.

Good managers and staff actively build relationships and enable positive outcomes, but they are sorely missed when they leave. In fact, vulnerable organisations can quickly come undone when key staff depart. A strong relationship of trust and honesty between the top manager (CEO or General Manager) and the governing body (ordinarily via the Chair) is especially critical. Poor or dishonest managers and staff can create havoc in communities and severely undermine the effective leadership of boards.

The case-study research indicates that governance, management and administrative systems need to be well embedded within the organisation if it is to be able to cope with the comings and goings of managers, staff and board members.

That means work practices, standards of behaviour, management procedures need to be clearly set out in written rules and policies; not left in the heads of single individuals.

All the case-study organisations have put considerable thought and resources into recruiting, training and retaining Aboriginal staff, managers and governing members. This was often cited as a challenging issue to progress.

In general, organisations leave the promotion of Aboriginal employment, mentoring, counterpart training and professional development to CEOs or particular managers who themselves have demanding workloads. Those people often do not have the time, or the relevant training experience to do the specialist training and case management of Aboriginal staff that is needed.

It is important to note that many of the organisations have created their own induction and professional development programs, provide specialised staff support, and allocate an identified person (in-house or externally contracted) whose job it is to carry out staff and governing body training.

Investing in human capacity has stood the case-study organisations in good stead, especially when senior staff have left and they have had to address transition issues.

Some questions to discuss, and share information and ideas about:

- What kind of management services and staffing do you need? Do you want to have your own management and administration, or could you outsource it to another organisation?
- How should the top manager and the governing body work together? How can that kind of relationship best be developed?
- Do your staff understand their roles and responsibilities and how they can contribute to the overall goals of the organisation?
- Do you have a high turnover of staff, managers, advisors? If yes; Why?
- What kind of training, mentoring and professional development do you have/need for your managers and staff?
- How do/should your managers communicate and report to the governing body and to staff?
- Is there clear and accessible information and policies about your employees work conditions, rights and procedures?

- Do you have clear complaints and appeals policies and procedures for staff?
- What is working, and what isn't and why in the performance of your staff and managers?
- What aspects of staff and managers' performance can be improved?
- What support (for example, from the governing body or others) do they need in order to improve.
- Do you have CEO and staff employment contract and performance review templates?

FACTOR 13: THE BOARD–CEO RELATIONSHIP – SEPARATE BUT PARTNERS

> *The long tenure of the current CEO and Chairman has created a very close relationship characterised by a high level of mutual trust, respect and open communication. This close relationship is an important factor in ALPA's ongoing effectiveness. Again, it is a rarity in Aboriginal organisations which more often seem to experience a fractious mistrustful relationship between their CEO and Board members*. **(ALPA Case Study).**
>
> *The Executive Governance Malpa is facilitating a critical training process with the board so they can carry out a performance review of the Desart CEO. … This is an extremely important initiative as it is often one of the important functions that many Aboriginal boards fail to undertake – either because they have not had training in conducting a CEO performance review, the information which they need has not been collated within the organisation, the process has not been stipulated as being required in the CEO's contract, because some boards do not realise they have that role; and sometimes because CEOs are reluctant to have it done*. **(Desart Case Study).**

It is clear from the case studies that good communication, trust and mutual respect between a governing body and its CEO/senior manager are absolutely essential for the effective governance and management of an organisation, and even more importantly for good outcomes.

That single relationship creates the bedrock upon which the organisation can properly do its work. Without it, an organisation will begin to travel in directions that are contrary to the governing body's overall vision and purpose.

Sometimes a CEO may be performing well, but not adequately informing the governing body of risks and outcomes. This means the governing body will be poorly informed, make ill-informed decisions and become ineffective in governing the organisation.

The governing body and CEO have distinct roles, responsibilities and authority which is usually referred to as a 'separation of powers'. But the term 'separation 'partnership of powers' can be misleading.

Both sets of roles need to be performed well together in order for an organisation to be successful. In other words, what is required is not so much a separation of powers, but a close working partnership – a 'partnership of powers'

– between the CEO and governing body that is based on a clear understanding of what they each bring to the organisation; like the *kirda* and *kurtungula* traditional land relationship in Central Australia.

The case-studies certainly show that it is important to be realistic about what is possible and needed on the ground. Focusing on an absolute ‘separation of powers’ won’t work in many communities where organisations simply have to make the most of the talent and experience they have amongst their own community members, and where the CEO and the Chairperson of the governing body often need to spend a lot of time together to resolve issues and come up with workable solutions.

Yet a clear line must be drawn between these positions in some matters. One of the most important roles of the governing body is to interview, select and employ the CEO/top manager, and then monitor his or her contracted work. The CEO/top manager in turn sets and supervises the work of other staff consistent with the organisation’s plans and policies determined by the board. Though members of the board might help the CEO select these staff, board members do not set and supervise the work of other staff or this would make the supervisory role of the CEO untenable. There would be too much potential for mixed messages to the staff.

There was considerable variation in the extent (and way) boards select, employ and monitor CEOs’ work was carried out amongst the case studies. Given that ORIC identified poor director/management performance as a critical factor in the failure of incorporated organisation, this is an area to which more attention needs to be given right from the beginning.

Definition: Performance in this context is the act of doing something successfully or unsuccessfully; getting something done well or poorly.

Reviewing means to look back on, or to examine something again with the aim of identifying good performance and problems, and making and necessary corrections.

So a **performance review** is a formal, face-to-face process in which an individual’s work performance is assessed, using agreed criteria.

A CEO’s performance review usually focuses on identifying their real achievements and contributions to outcomes, while taking into account uncontrollable obstacles.

Some questions to discuss, and share information and ideas about:

- Do your governing body and CEO/top manager work well together? If not, Why?
- Is the governing board the leader of the organisation, or the CEO?
- What kind of sound working relationship do you want to see between the governing body and top manager/CEO? How will you achieve that?
- Are there clear boundaries written down in policy documents about their different roles and powers? Are these easily followed, unworkable, in need of review?
- How can you reinforce a wide understanding and appreciation of those amongst the organisation as a whole?

- Is there clear communication, and time to meet and discuss issues between your board Chair and CEO?
- Does the governing board conduct a performance review of their CEO on a regular basis under a mutually agreed process?
- Does your organisation have a CEO employment contract template and has your CEO signed a contract using this template or some other such suitable document?
- Do you need additional external legal or human resource (HR) advice in relation to your employment contracts, particularly that of your CEO?

FACTOR 14: THE CHALLENGES OF SUCCESS AND PLANNING

> *WYDAC: "In managing this growth we must be mindful of the stresses and strains it can place on staff and our management systems. To ensure we can continue to achieve positive results we must redouble our efforts to strengthen our systems and our staff" and "Facilitate training in governance, financial management and the organisation's quality systems for all board members".* (**WYDAC Case Study).**
>
> *As the Ngarrindjeri Regional Authority (NRA) increases its capacity and proves it can deliver outcomes, there have been increasing demands from a range of sectors for its participation in major initiatives. These all entail an increased workload to do with responsibilities to fulfill community engagement and inform the Ngarrindjeri community of all aspects of governance that emerge.*
>
> *This has led to a second phase of strategic planning that is currently underway across the NRA and its divisions. It is hoped that this new phase will further refine governing mechanisms and processes of community engagement, and distinguish the lines between political governance and corporate governance more clearly.* **(Ngarrindjeri Case Study)**.
>
> *A big future challenge is not trying to do everything. We are getting 2-3 phone calls a month to do other people's stuff. Success has its own challenges and risks. It could be easy to take on too much so that core business gets lost. So now we are really doing due diligence to make sure we only take on things that are financially viable and fit with our vision. We've got to be able to walk away from failing ventures without risks to our core organisation.*
>
> *The Board is involved in strategic planning every December to review progress and update goals. Included in that planning day is 'visioning' about the broader future and goals: "Retail is the work of ALPA, not the heart of ALPA. That is benevolent work helping Yolngu people.* **(ALPA Case study)**.

Success brings its own risks. A hallmark characteristic of the case-study organisations is that they recognise they can't do everything. For example, they all report that increased services means a corresponding need for increased staff which then immediately leads to increased demand for scarce housing in communities, vehicles, salaries etc.

All of this has implications for management workload, staff morale and administrative capacity, and many of the organisations understand there may be a tipping point where such workload pressures can become unsustainable. For some organisations this tipping point may come early in their lives before they have adequate time to become established, let alone resilient.

Successful organisations know what their core business is and what they do best. They don't expand just because external stakeholders want to piggy-back one of their own initiatives on the organisation because it is known for being able to get things done. Well-considered responses to dealing with success, include organisations:

- reminding themselves of what their foundation vision and purpose are, and whether those are still relevant and central to their work;
- carrying out substantial strategic and financial planning before proceeding into new ventures or taking up potential opportunities;
- identifying the risks and threats associated with expansion and big opportunities;
- considering how to make better collaborative use of other services, including in partnerships;
- assessing the extent to which a new option will match and contribute to the organisation's core vision and purpose, or take it off track; and
- sometimes, just saying: No, we won't take that on.

Senior managers also point out that it is important to ensure that expanding services and functions are backed up by adequate data and administrative systems, and that full estimated costs should be built into all growth scenarios, and be addressed early.

Those older organisations amongst the case studies also report that they do a lot of hard-headed thinking about the future and try to identify whether (and how) they can get to where they want to be. They then write up flexible plans and regularly review them to check progress.

> *As WYDAC expanded its services and coverage, its organisational structure and related administrative and staffing arrangements also had to adapt to better support its governance and service growth. This has required considerable collective thought, planning and implementation. In other words, lots of hard work – team work and leadership.* **(WYDAC Case Study).**

Definition: Planning helps you deal with change. It is a way for organisations (both incorporated and non-incorporated) to collectively:

- set out their vision, values and commitments to members;
- identify short-term and long-term objectives;
- prioritise how those will be achieved;
- identify who will do it;
- track progress and outcomes; and

- revise and adapt to new conditions

Some questions to discuss, and share information and ideas about:

- Is your organisation ready to take on new functions, services, members? How will you know when it is?
- Do you have the resources, expertise, systems and/or capacity needed to expand?
- Do new opportunities align with or fit your core vision and purpose?
- What are the potential risks and threats? How will you address them?
- What are the cost and workload implications? Can you manage those?
- Have you considered the views and feedback from your community members, agencies and other stakeholders about what your organisation should be doing, even if your board makes the ultimate decision?
- Are there other organisations or external stakeholders who can assist you in the next stage of your work; indeed perhaps do this work instead of you?
- How will you know if you’ve been successful?
- What are your own self-identified measures of success?
- What kind of business and/or strategic plan do you need to work through to assess whether you should proceed or not; and how?

FACTOR 15: BUILDING AN INTERNAL CULTURE IN THE ORGANISATION

> *Staff are encouraged to feel they are part of "the AMSANT family" (CEO, Annual Report 2013: 9) and the CEO actively promotes the values associated with that; i.e., "of everyone working together, respecting each other, being honest and supportive with each other".* **(AMSANT Case Study)**.
>
> *The Board and management appear to have worked hard to translate the organisation's vision and purpose into a positive internal culture for staff. The internal organisational culture is one which values both Yolngu cultural priorities and economic success, and so consistently seeks to find workable accommodations between culture and commerce. …. The internal culture of ALPA also actively encourages individual commitment to standards of service delivery and work performance, and affirms the importance of maintaining good relationships and open communication between the Board, staff and communities.*
> *It is refreshing to be part of an organisation that values performance and has a culture of putting in, of everyone contributing.* **(ALPA Case Study)**.
>
> *Linking in with their emphasis on the need for a strong 'two-way' approach between kardiya (non-Aboriginal people) and yapa (Aboriginal people), the staff and board see cross-cultural understanding and relationships as being a core part of the organisation's identity.*
> *One of the ways it does this is by encouraging the Chairpersons and other Directors to come into the organisation to 'talk story'. Some of the things that might be discussed are the progress, strengths or weaknesses of different programs, issues in the community, and ideas about the future direction of WYDAC.* **(WYDAC Case Study)**.

A striking factor common amongst all the case-study organisations is the very high value they place on the internal culture they have developed within their organisation and the role that plays in its ongoing effectiveness.

Definition: The internal culture of an organisation is the unique system of values, expectations, shared experiences and histories, incentives, rewards, constraints and limits, that hold an organisation together and expresses its collective self-image and ways of working. It is based as much (if not more) on shared attitudes, humour, beliefs, and behaviours (the 'vibe') that has been developed over time, as it is on written rules and codes.

When promoted through positive role models, good relationships and open communication, this internal culture encourages the board, senior management and individual staff members to behave and perform in ways that support teamwork, loyalty and dedication, and so strengthens the organisation's performance and outcomes. It's what helps create a sense of pride in an organisation.

Conversely if the internal culture of an organisation becomes characterised by cynical attitudes, misbehavior and misconduct, poor role models, laziness and dishonesty, then the effectiveness and reputation of the organisation can quickly deteriorate.

Governing leaders and top managers in the case-study organisations have consciously and persistently promoted a positive internal culture of good governance and institutional strength (i.e., shared values, standards and behaviour). This has greatly contributed to the resilience and solid reputation of their organisations, and in turn attracted good people to want to work with them.

Not surprisingly, Aboriginal culture (including values, ways of behaving, standards of accountability, and the perception that the staff of the organisation are all part of 'one family') often plays a central role in the strong internal culture of these organisations.

> *The Board and management appear to have worked hard to translate the organisation's vision and purpose into a positive internal culture for staff. The 'internal organisational culture' is one which values both Yolngu cultural priorities and economic success, and so consistently seeks to find workable accommodations between culture and commerce.* **(ALPA Case Study)**.

One benefit of such an internal culture is that it assists in building invaluable resilience within the organisation. So when key staff or governing members do leave, when workload pressures increase, or when the external policy or funding environment changes abruptly, individual staff and the organisation as a whole are able to adaptively deal with the transition and changes.

This is an extremely important quality for any organisation to have, let alone Aboriginal ones working in a hotly contested, under-resourced environment.

Some questions to discuss, and share information and ideas about:

- What is the current internal culture of your organisation like? Is it positive or negative?
- Why is it like that?
- What impact is it having on your organisation and getting things done?
- What will it take to change it?
- What are the intercultural values, internal relationships and behaviours you want to create and promote within your organisation?
- What should the role of leaders, managers and staff be in helping to build the internal culture of your organisation?
- Are there values and norms that you want to reinforce in your relationships with external stakeholders?

FACTOR 16: GOVERNING FINANCES AND RESOURCES

> *ALPA established an Investment Committee … on which sit external business and finance experts with the function of providing the Board with independent investment advice and risk management assessment. The Investment Committee meets the week before every Board meeting so that its analyses can inform the Directors' decision-making.*
>
> *ALPA has also developed its own training to provide visual tools and Yolngu-translated explanations of financial concepts, profit and loss statements, and budget planning. This methodology, or 'money story,' is in demand by a number of other external Aboriginal client organisations.*
>
> *Financial governance and business success is demanding for any organisation or group, let alone one that covers multiple remote communities. Over its history, ALPA has met this challenge by initiating several periods of hard-headed internal self-reassessment of its financial operations and viability when it has needed to tighten it belt. As a business, ALPA has had to return several times to increased diligence in controlling the costs of its operations, while remaining focused on its mission and goals.* **(ALPA Case Study)**.
>
> *When requested, Desart has been able to play an increasingly effective role in the hard work of supporting and reinvigorating vulnerable Art Centres, by introducing more robust financial and administrative accountability systems and tools ….*
>
> *The effort that Desart has put into building strong relationships across its network of Art Centres is paying off in this regard. It has been able to move beyond the 'compliance approach' of the usual government intervention into failing organisations, in order to provide more constructive rehabilitative support. This is an extremely important role; especially for communities whose residents need the income generation created by their work with Art Centres.* **(Desart Case Study)**.
>
> *Unable to secure government funding for its proposal to deliver kidney dialysis to people in their communities, a group of Pintupi Luritja (Anangu) people decided to holding their own auction of extraordinary paintings at the Art Gallery of NSW. They raised over a million dollars.* **(Western Desert Dialysis Case Study)**.

Aboriginal groups in the NT are securing land rights, successfully negotiating resource development agreements, securing land rights and establishing major enterprises. As a consequence, they face the challenge of managing valuable land and natural resources, and the revenue flowing from them. These resources are not just about money. They include human, financial, cultural, intellectual, technical and information resources.

Effective governance is a critical foundation for wisely managing resources and enabling sustained community benefit and economic development. The case-study organisations have all put considerable effort not only into developing sound financial management systems (including via auspicing arrangements), but also by building the financial governance confidence and capacity of their boards.

The case studies also demonstrate that there are significant costs associated with different scales and phases of organisational development and governance which need to be carefully considered by those starting off, or considering a phase of expansion; for example, the substantial costs:

- of organisations with highly dispersed communities and governing members necessarily holding AGMs, board meetings and consultations in these communities;
- associated with recruiting and retaining staffing and capital infrastructure during set-up and expansion;
- of the initial establishment and subsequent updating of necessary service quality control, administrative, financial, accounting, communication, IT and HR systems;
- of ongoing development of workforce and governance capacity.

The governing bodies of incorporated organisations are legally responsible for oversighting their funds, resources, budgets and assets. In doing this, the governing body effectively acts as a trustee for its members.

This is a significant responsibility; one associated with ongoing problems for some organisations.

For example, ORIC (2010) has identified that an Indigenous organisation under duress or beginning to fail will exhibit certain symptoms, including: "inadequate or non-existent processes/records for financial accounts" which was prevalent in most cases (between 75%-81%).

ORIC also found that "only 3 of the 28 cases in the mismanagement of finances class were restored to corporate health and returned to members; suggesting that mismanagement of financial affairs in a corporation is difficult to turn around".

In some organisations, the low financial literacy levels of board and community members means decision-makers only have a limited understanding of the advice that they receive from managers, and the consequences of following the advice.

If board members and beneficiaries do not understand the advice that they are receiving, they are not able to assess the quality of the advice. If they do not understand the overall strategy and the specific investments then they are not able to judge whether the advice is aligned to their organisation's purpose and priorities.

Aware of the critical importance of sound financial governance all the case-study organisations are investing in ongoing financial training and support with their governing boards and committees.

Some questions to discuss, and share information and ideas about:

- What kind of financial and business planning expertise and advice might you need to establish an organisation from the start? Where can you access that support?
- Are you confident that your organisation has in place sound financial policies and practices to ensure that its resources are managed effectively and with integrity?
- If No, why is that case? How can such financial policies and practices be created?

- Are the financial policies and decisions of your organisation consistently enforced?
- Does your governing body have a clear idea of the organisation's resources, and its role and responsibilities for those?
- Does the governing body have access to independent advice on financial and business matters if it needs it?
- Are the organisation's financial planning policies directed towards the equal treatment of all its members, or are decisions made that favour particular families, clans, or regions?
- Are your governing leaders able to confidently oversight and make decisions about your organisation's resources on behalf of its members?
- If No, what kinds of financial training, support, advice might assist them to do so?
- Is financial, business and budgeting information provided to the governing body by the CEO/top manager in a form that is easy for the board to understand, challenge and use to make informed financial decisions?
- Do you think the group or community from which the membership is drawn has confidence in the organisation's financial practices, policies and decisions?
- Is the group or community kept informed about how the organisation's resources are being used?

FACTOR 17: COMMUNICATION AND ENGAGEMENT

> *Employing local people in remote communities has helped resolve some of the Project's problems in sustaining contact. So too has the strategy of taking a 'mobile office' out to these locations. To sustain an effective Project, elders and KALACC have had to be innovative and design solutions for challenges as they have arisen. For example, communication regarding Yiriman Project business with Aboriginal bosses across a large region has always been a challenge. Staff accordingly shifted their geographic base and, to an extent their focus, to better accommodate the need for ongoing contact with communities and the decentralised reference group*. **(Yiriman Case Study)**.
>
> *As the Ngarrindjeri Regional Authority increases its capacity and proves it can deliver outcomes, there have been increasing demands from a range of sectors for its participation in major initiatives. These all entail an increased workload to do with responsibilities to fulfill community engagement and inform the Ngarrindjeri community of all aspects of governance that emerge from the NRA.* **(Ngarrindjeri Case Study).**

A critical factor in each step of building effective governance is engagement and communications—effective implementation of governance arrangements is directly related to the level of support from your group or community members. They are more likely to have trust and confidence in your governance if they fully participate in and are consulted about the process and options from the very start. This requires good communication with them.

Definition: Communications is an exchange of information to a particular audience, listening to their feedback, and then responding appropriately. Whether it's about an economic development project, starting up an organisation to get certain things done, financial information, youth needs and education, effective communication can build consensus by increasing understanding and generating well-informed discussion among community members, leaders, staff and other stakeholders. At the very least it is an antidote to general members and the community or group they are drawn from feeling ignored and taken for granted.

Effective engagement on the ground is important for understanding member and community opinions about a particular issue.

Definition: Effective engagement is not 'consultation'. It is a sustained process that provides Aboriginal people with the opportunity to actively participate in defining the problem to be solved, defining the possible solutions, and participating in making informed decisions about those from the earliest stage and getting involved in implementation towards outcomes. Your members' participation should continue during the establishment phase of your organisation; when changes to its structure or governance are proposed; in the development of policies, programs and projects; and in the evaluation of outcomes.

Engaging successfully with your group members and communities requires an appreciation of—and the cultural competency to respond to—their history, cultures and contemporary social dynamics; as well as valuing the contribution that can be made by the cultural skills and knowledge of your community members.

Engaging with them about designing governance solutions involves being clear about the reasons for the changes and the relevant scale for engagement and decision making; for example, does this involve a single group of members, multiple groups, multiple communities spread across a wide region? This may call for multi-layered communication processes.

Engagement and communication should be ongoing, even when you expect people might disagree with some ideas. Not everyone will have the same interests, cultural rights or priorities. But they should not be excluded without explanation; if neglected or feeling marginalised they can later undermine consensus and solutions.

A well planned, resourced and executed engagement and communication strategy can make the difference between an organisation's legitimacy or its loss of reputation.

There are many different tools for effective consultation and participation. Solutions put in place by the case-study organisations show that they don't have to be complicated. They just have to work in the local cultural conditions and take into account levels of literacy.

For example, today, many remote organisations are using video technology and producing DVDs to help address communication with Boards, general members and community residents who are dispersed over large regions. Rapid changes in IT technology put pressure and increased costs on small organisations to keep up with more efficient ways of communicating.

Some questions to discuss, and share information and ideas about:

- Does your organisation have a communications strategy for keeping community/group members informed and engaged with updated information?
- Are there factions, disagreements within your members, or groups with different legal and cultural rights and interests which will need to be mediated and accommodated in your engagement with them?
- What communication tools do you need in order to engage most effectively with your group/community members?
- What cultural and language modes of engagement and communication could be used?
- How will your managers and staff be kept informed of the decisions made by the governing body?
- How will the governing body be kept informed of staff activities?
- How will general members be kept informed of their organisation's activities, decisions and outcomes (or lack of them)?
- Do your staff and community members have a chance to be heard and put forward their point of view?
- Are your policies, decisions and plans communicated throughout the community so that people truly understand what the governing body and organisation are doing?

FACTOR 18: SURVIVING CHANGE AND CRISES

> *A crisis is usually the hardest time to get thoughtful decision-making happening. If an organisation has already created sound decision-making processes, and has built up a culture of trust and good internal communication, it will be in a much better position to handle crises when they come along.*
>
> *We saw the need to become a player in the mainstream economy of our region. This was an important strategy to ensure the sustainability of our organisation, to move away from government funding, and to create long-term employment for our people*. **(Yarnteen Case Study)**.
>
> *ALPA has responded to change with purpose and direction (Chairman: 13). The capacity to adapt and respond has been critical to the organisation's survival. But as the ALPA Chairman notes, that capacity has been based on a continuing underlying purpose and direction; namely, a sustained commitment to stay true to the organisation's founding vision, identity and core values of contributing to Yolngu self-determined aspirations, well-being and economic independence. … The importance of that shared vision is constantly reiterated in ALPA's annual reports and newsletters, from its earliest days.*
>
> *What this means is that whenever new solutions or adaptations are needed, they have to pass the test of being assessed against whether they will positively contribute to, or undermine, that core identity and goals. This has given the organisation a very strong foundation-stone from which to make tough decisions and choices.* **(ALPA Case Study)**.
>
> *Changes have been imposed as a result of significant shifts in government policy and funding frameworks, and will effect organisations across the country. AMSANT's approach is to be proactive in order to ensure they design governance arrangements that still fit their members needs and priorities. It does highlight however, the ongoing challenge to Aboriginal self-determined governance arrangements as a result of unilateral changes imposed by governments.* **(AMSANT Case Study)**.

Governance is not static. Every society has a right to develop its governing institutions and organisations in a manner it regards as internally legitimate, and to do so according to its informed choice. That takes time. It is also unlikely that getting a cultural fit with new governance arrangements will be resolved early in setting up organisational structures and processes.

And there are always challenges and changes in the external environment within which organisations operate. Currently there is a highly fragmented and rapidly changing government policy framework for governance capacity building; an overload of government reform and program funding changes; poorly coordinated and monitored programs; and multiple accountability requirements (red tape).

All this means Aboriginal governance structures and processes need to be able to evolve to meet changing circumstances; whether those are internally or externally instigated.

Organisations that are inward-turning can have many strengths; but they may not be able to handle externally created pressures and changes. If an organisation doesn't recognise when it needs to adapt and change, it will be overtaken by external realities and may lose important opportunities.

But organisations also need to be able to protect cherished values and stability. Effective governance is about working out the balance between the need for stability and consolidation, and the need for response, renewal and innovation. At different stages of an organisation's life the balance will be different.

From the case studies it is very clear that organisations which form external partnerships, alliances, federations and consortia, seek out expert advice, auspicing and mentoring appear much better placed to share resources and capacities, and therefore weather storms.

Their adaptive responses include:

- regularly reviewing their governance and organisational performance as well as strategic direction;
- doing hard-headed evaluation of risk and competing options before they expand or diversify their structure;
- seeking out expert advice and support when they needed;
- getting ideas and feedback about possible changes from community members; and
- routinely looking at their wider operating environment to assess potential opportunities, synergies and responses to changing economic and commercial conditions.

Some questions to discuss, and share information and ideas about:

- Have you recorded your governance rules, policies, vision, codes and decisions so that if key people leave all your knowledge does not leave with them?
- Have you developed strategies for dealing with changes in your leadership?
- Have you prepared people to take over as leaders and managers?
- How can you make sure your plans stay relevant to your current priorities, strengths, expectations and the reasonable expectations on you?
- How can you stay connected to wider trends, standards, innovative changes that might assist your organisation?
- Do you assess and manage risks? And in a realistic way?
- What kind of processes do you need to make sure your internal staffing levels and systems keep up with your expanding activities?
- Are you able to engage with your community members and mediate differences of opinions and priorities?
- Is your governing board able to collectively set the direction and make informed decisions to manage changes or times of crisis?
- Have you got workable and fair processes for resolving conflicts and complaints within the organisation before they undermine your internal culture?
- Do you have access to and use external expertise, mentoring and support advice to assist you with changes or crises?

FACTOR 19: PUTTING SUCCESSION PLANNING INTO PRACTICE

> *The WYDAC board has two youth representatives under 25 years with full voting rights sitting as members of the executive. Young members had been on the board for several years, but not the executive. The board wanted young people to step up to more active, regular governance leadership and so asked for nominations for two executive positions.*
>
> *The concrete value of this is seen in the fact that the youth representatives have attended every meeting so far. In effect they are getting governance professional development 'on-the-job' from senior board members, and that is having noticeable results for them.* **(WYDAC Case Study)**.
>
> *As part of the Board's succession planning, several years ago ALPA established an Associate Director's Program for young Aboriginal leaders. Under the program, 2-3 local Yolngu people take up the position of Associate Directors, and receive support from the Board's Non–Executive Directors to understand meeting protocols and content. Associate Directors are encouraged to participate in all Board meeting activities and discussions, although they have no voting rights.*
>
> *Engaging youth is a priority – several stores have school-based apprenticeships and work-experience programs in place… This will need to be carefully planned and transitions of key staff really planned well. Otherwise when senior people leave it could really undermine the organisation. Succession planning will be a critical challenge.* **(ALPA Case Study)**.
>
> *The AMSANT Leadership program aims to build "the capacity of tomorrows' leaders today, through the development of skills, networking and confidence, and the promotion of cultural security in the workplace. The program is built on principles of respect, inclusiveness, diversity and ownership. The program promotes two-way learning, and seeks to empower participants to become leaders in the Aboriginal community controlled health sector"*. **(AMSANT Case Study)**.

Every organisation needs to mentor the next generation of governing leaders if it is to have a life beyond its current Board membership. It also needs the next generation of workers and an Aboriginalisation strategy that *practically* delivers for both the organisation and local community people.

Definition: Succession planning is the process where an organisation ensures that its leaders, managers and other key staff are recruited, fostered and supported, and their skills, knowledge and abilities developed in order to fill the important roles within the organization for some years ahead. It is an active, practical strategy that plans and takes actions now to ensure there are experienced and well-trained people to guide the organisation in the future.

An organisation which fails to make plans for inter-generational leadership change and employee transitions limits its ongoing development and sustainability. Also, different leadership and management qualities may be needed at different times of an organisation's life cycle. This might need planning.

Without such planning for the future, in times of crisis there will be few people who have been trained to take on the workload of governing and managing. It also means that when new people do come into roles on a board or as employees, they might not share the common vision and goals that have been established.

Attracting and retaining staff (whether they are Aboriginal or non-Aboriginal) can be particularly difficult for organisations, especially in remote areas.

The case study organisations put substantial effort into doing this in innovative and customised ways; such as by:

- ensuring all staff have inter-cultural training and inductions;
- providing good staff members with promotion opportunities;
- creating job-shadowing or mentoring positions that are monitored and properly supported;
- providing tailored training to suit cultural and job performance needs;
- providing on-the-job governance experience and training to younger people; and
- managing workloads properly so that staff members don't burn out.

Some questions to discuss, and share information and ideas about:

- How has you organisation arranged to actively mentor, train and support the leaders and managers it needs? Is it working well?
- How are you planning and preparing young people for higher roles in your governance?
- What do your elders and current leaders have to offer prospective younger leaders?
- Are there things you need to do to improve the representation of young women in your organisational governance?
- Do you have role models and mentors who can work with Aboriginal staff and emerging leaders?
- Have you developed effective practices to ensure employees do not burnout under workload and other pressures associated with working in the organisation?

FACTOR 20: EVALUATING GOVERNANCE AND RISK

> *Members do not see themselves as simply rubber-stamping management recommendations. Rather, they see themselves as taking a strong role in setting future directions, based on the available information and assessing the risks that might be involved*. **(Yarnteen Case Study)**.
>
> *Before taking up potential expansion opportunities, WDD did full feasibility studies for each of the likely risks, costs, and workload implications that would need to be addressed.* **(Western Desert Dialysis Case Study)**.
>
> *WYDAC has initiated a series of surveys – of its staff, clients, and stakeholders – and recently conducted the second one with staff. 98% reported they were 'satisfied' to 'extremely satisfied' with their role/work in WYDAC. 100% stated they were very very proud of working for the organisation.*
>
> *The organisation carried out its own internal research into factors involved in successful recruitment and retention, and identified the issue of personal 'resilience' as a critical indicator of capacity to fit into the culture and remote work. As a result, the organisation now tests out this issue in their interviews with potential new staff*. **(WYDAC Case Study)**.
>
> *APLA has put effort into identifying and rectifying issues that act as disincentives to Yolngu employment and retention in its stores and community programs. For example, in 2008, a Board Facilitator was placed in one of its stores to identify flash points of tension and miscommunication between staff and management.*
>
> *That simple but innovative process led to an enhanced understanding of how Yolngu culturally-based relationships were influencing the 'chain of command' amongst Yolngu staff in the store, and their expectations of how management should properly behave towards and communicate with them …. These insights were integrated into revisions of policy and guidelines for workplace behavior in stores, and in induction training for all new store staff and management.* **(ALPA Case Study)**.

It is critical to keep an eye on the effectiveness and legitimacy of your governance, because so much depends upon it. The first step in designing a new governance arrangement or rebuilding it, is to identify what's working and what's not.

Its hard to change something if you don't know what the problem is. And you won't be able to develop workable solutions unless you have a good idea of your own strengths, talents and skills.

That means you need to evaluate where your governance is at—before you are hit by crises or external demands for change.

Definition: Evaluation is the process of thinking about the worth or value of what you have been doing in your organisation, whether your processes and strategies are achieving your desired goals, whether you are heading in the right direction, and what you need to change in order to be more likely to achieve your original intentions.

When you evaluate something, you tend to assess its effectiveness, efficiency, accountability, cultural legitimacy and sustainability.

You can evaluate a program, a person’s work performance and behaviour, decision-making processes, leadership capacity, your systems and structures, rules and policies, goals and outcomes, your communications, internal and external relationships, and so on.

The case studies show that the organisations are initiating their own self-evaluation at times when they really need accurate information and assessments, and when they want the people in their community, organisation and governing board to give their own views about their governance arrangements and the organisation’s performance.

But even in these cases, they also often still call in external expertise to assist them. This can also provide important independence in evaluation.

Importantly, the organisations then put a lot of effort and time into considering the implications of their evaluation, what they need to do about it, and then translating that into action; not just putting it into a filing cabinet.

Some questions to discuss, and share information and ideas about:

- How will you know whether you are on track or not with your governance?
- Do you regularly evaluate your governance and organisational performance and effectiveness?
- What do you want to know about your governance and organisational effectiveness?
- How do you define success and failure?
- How will you find out the information you need?
- How will you decide what is the best way to do it, resource and organize it?
- Who will do it?
- How will you engage your directors, members and/or community in the process right from the start?
- How will you find out what they think about the effectiveness of your governance and your organization in general?
- How will you decide what you want to follow up when you get the results?
- What actions need to be taken? Who decides that?
- How will you communicate the results to your community and get their feedback and support for proposed changes?

FACTOR 21: KNOW YOUR OPERATING ENVIRONMENT

> *When needed, ALPA has been ready to call experts onto committees, form partnerships and MOUs with influential stakeholders in the private sector, NGOs and government.*
>
> *ALPA enjoys the fruits of having patiently developed mutually beneficial long-term relationships with suppliers, transport agencies, government and the community at large: as such, external disputation is extremely rare.”* **(ALPA Case Study)**.
>
> *The Murdi-Paaki Regional Assembly (MPRA) peak structure and the CWPs at the local levels have established units and committees to directly and actively engage with both the State and Federal Governments, Local Government and service providers. The result is that the Assembly has been extremely successful in securing wide-ranging service delivery and program funding by negotiating what it refers to as “inter-governmental agreements” and contracts.* **(MPRA Case Study)**.
>
> *Yarnteen's success so far is well reflected in the partnerships and relationships they have formed with not only with other Aboriginal community organisations, but also with mainstream businesses in Newcastle and with major private sector companies and government agencies. For example, it has negotiated partnerships with Microsoft, IBA, Social Ventures Australia, and Reconciliation Australia.* **(Yarnteen Case Study)**.
>
> *Martumili’s success has been greatly facilitated through its very active engagement and negotiation with a wide range of partners and stakeholders in the wider environment*. **(Martumili Case Study)**.

Long-lived organisations in the case studies are sensitive to their wider environment. They appear to excel at keeping their feelers out, tuned to whatever is going on around them. Aboriginal organisations rarely thrive these days in isolation.

Definition: Governance environment is the broader external political, legal, policy, institutional and economic context within which a group, 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 may have its own sets of governance rules, values and ways of getting things done, which can influence how a group or organisation operates.

Definition: Stakeholders are the people and groups that have an interest or ‘stake’ in the success and legitimacy of your governance. They include, your members, possibly other communities, organisations, leaders and beneficiaries, your clients and partners, government departments, businesses and possibly private sector companies.

When needed, all the case-study organisations have been extremely proactive in calling on external stakeholders and experts to contribute to their governing bodies, committees and/or staffing, and to form partnerships, auspicing arrangements, regional agreements and MOUs with influential stakeholders in the private sector, NGOs and government.

No matter how small, or how large and powerful, each of these layers of the wider environment can have an impact on how an organisation operates and what it can achieve. Handled wisely, this can be a positive impact. But of course at any time part of the wider environment can impact badly on organisations.

To govern effectively you need to know this wider environment and understand how you can strategically operate well within it.

Some questions to discuss, and share information and ideas about:

- Considering your group or community's own social, family, political and cultural structures and processes, what expectations, roles and relationships might assist or pose a threat to your governance and work of the organisation?
- Are there other organisations, events, issues, programs, resources within your region that might assist or pose a threat to your governance and the work of your organisation?
- Are there any trends, major changes, best-practice innovations in the industry or service sector you are working in that might assist or pose a threat to your governance and work of the organisation?
- Are there any political events policies, economic, legislative or funding changes at the NT or national levels that might assist or pose a threat to your governance and work of the organisation?
- What new technologies, business practices, resources or information might assist or pose a threat to your governance and work of the organisation?
- Who are the main stakeholders that will affect or be affected by your governance proposals and practices, and the work of your organisation?
- Are they supportive, enabling, undermining, antagonistic or neutral?
- What strategies do you need to manage any problems that might arise from this?

FACTOR 22: THE ORGANISATIONAL LIFE CYCLE

> *Like all organisations, ALPA has gone through several stages of growth and internal review. It appears to have been able to adapt to changing circumstances with flexibility and hard-headed decision-making.*
>
> *To survive, succeed and maintain community credibility and support over four decades is a major success. To achieve that resilience ALPA has had to periodically reassess where it is at, and design ways to rejuvenate the organisational structure, service focus and business model. It seems to have been able to respond effectively at critical times in its organisational life cycle.* **(ALAPA Case study)**.
>
> *Not surprisingly, WYDAC's governance has changed and adapted in important ways to respond to its regional expansion and service innovations. No longer a single community-specific substance misuse and rehabilitation program, the organisation needed to develop a more formalised governance structure in order to reflect the broader membership of the far-flung Warlpiri communities.*
>
> *WYDAC's history shows it has been proactive at important times in its organisational life cycle. It has not waited for external funding expectations to do what needs to be done. Rather it has harnessed the strengths and contributions of Warlpiri people and staff, and their shared commitment to improving the lives of young people*. **(WYDAC Case study)**.

According to ORIC nearly 40% of Aboriginal organisations across Australia are 0-5 years old, and nearly 12% are 26 years and older (Organisation age calculated based on year of registration, Office of the Registrar of Indigenous Corporations).

All organisations go through different ages or 'life-cycles' just like people do; for example, birth, growth, maturity and then decline, hopefully with intermittent periods of revival. These different stages may require changes in an organisation's governance, management and staffing, structure, objectives, strategies, rules, funding and so on.

There are several Aboriginal organisations in the case studies that are 'mature age' having been in operation for decades. They have gone through different stages of development which have inevitably required them to reassess how they do things and make corresponding changes.

Those that have been able to respond to changing opportunities and crises with flexibility, and make informed decisions about where they want to head in the future, have adapted and grown rather than declined.

The case studies and other research show that when a group of people want to establish an organisation—whether they decide to do that through legal incorporation or not—there will be some common phases or ages that they will go through, and that they can expect to encounter particular kinds of issues and problems at that time.

Of course these life cycle ages do not necessarily occur in a neat progression as they do with human aging. Organisations can swing from one phase to anther if they are unable to adequately resolve problems, or grow too quickly or more slowly than expected.

But thinking about these challenging stages can be helpful in realising that you are going through experiences or problems that many other organisations have gone through before.

Perhaps you do not need to reinvent the wheel as there will be other Aboriginal organisations who have tested out different solutions to the same issues; some of which you may be able to use and adapt.

The case studies suggest the following common stages:

- Stage One: **Imagine and Hope** ("Can the dream, the vision be realised?")
- Stage Two: **Mobilise and Plan** ("How are we going to pull this off?")
- Stage Three: **Establish the Foundations** ("How can we build this to be viable?")
- Stage Four: **Grow and Expand** (How can we take up opportunities?)
- Stage Five: **Consolidate and Sustain** ("How can momentum be continued?")
- Stage Six: **Review and Renew** ("What do we need to redesign?")
- Stage 6: **Decline** (Where did we go wrong?)

With each of these stages an organisation faces challenges. How well or poorly its leaders and managers address these challenges, either enables a healthy transition from one stage to the next, or creates further problems.

That only 12% of Aboriginal organisations nationally are 26 years old or more suggests that consideration of sustainability should occur more often and/or more thoroughly in the above typical stages; most importantly Stages Two, Three and Five.

Many of the big problems and challenges associated with all the stages are dealt with in the Factors set out above.

PART 6:

RESOURCES FOR BUILDING GOVERNANCE:

POTENTIAL OPPORTUNITIES AND SUPPORTS FOR AGMP

6.1 RESOURCE CHALLENGES FOR THE AGMP

This section of the report sets out a list with brief comments of potential areas of support for the AGMP and the Aboriginal organisations it assists, where 'major' generally refers to institutional supports, though some corporate, philanthropic and NGO areas of support are included. 'Potential supports' generally refers to potential synergies, and opportunities for partnerships and other complementary relationships between these major bodies and the AGMP.

The AGMP currently operates within a wider operating environment that is uncertain and challenging. As set out in Part Two of the report, NT Aboriginal people are faced with major socioeconomic, political and funding obstacles that have a direct influence on their ability to build exercise and sustain effective, self-determined governance in their communities and organisations.

On the one hand, that means there is considerable need amongst Aboriginal Territorians for precisely the kind of support and advice that the AGMP has been established to provide. On the other hand, it means that the AGMP is itself subject to, and must contend with, the same adverse wider operating conditions.

A particularly important factor for the AGMP's own future viability and development is the hyper-fluidity of government policy frameworks in Indigenous Affairs (at both national and Territory levels), and the confusion and heightened uncertainty in respect to the Australian Government's restructuring of its Indigenous programs and related funding guidelines.

The high costs of delivering services in remote Australia, the geographic dispersal of NT Aboriginal communities, and the high unmet need amongst many Aboriginal organisations for intensive, sustained governance support suggest that the Program will need to develop a strategic business case for its current and new service functions that identifies actual service-delivery and recurrent costs, alongside potential means of meeting those. Services will need to respond to Aboriginal governance priorities on the ground.

It is highly likely that the AGMP will require a 'portfolio' of funding and resource supports; a customised diversified funding package that avoids vulnerable over-reliance on a single main source of funding. Some agencies, NGOs and other providers of specialist governance resources are listed below which might form part of such a customised baseline of resource supports.

6.2 POTENTIAL SUPPORTS AND PARTNERS FOR THE AGMP

RESOURCES AND SUPPORTS	CONTACTS
Arts Law Centre of Australia National legal centre for the arts providing a telephone legal advice service for arts related matters. General information and online law publications for artists. Publication: Structure and Governance: A Practical Guide for the Arts	www.artslaw.com.au
Australian Centre for Excellence for Local Government (ACELG) A collaboration of universities and professional bodies Toolkit: Online community engagement toolkit for rural-remote and Indigenous local governments on how to do effective community engagement in development, drafts available. A useful resource for Indigenous local governments.	http://www.acelg.org.au/ Specific ACELG website (forthcoming) Contact Michael Limerick, Institute of Social Science Research, University of Queensland; Limerick and Associates.
Australian Charities and Not-for-profits Commission Publication: ACNC Governance Standards Guidance (2013) – a publication of governance tools and information.	www.acnc.gov.au Contact - phone 13 ACNC fax 1300 232 569 visit acnc.gov.au email advice@acnc.gov.au GPO Box 5108 Melbourne VIC 3001
Australian Indigenous Governance Institute (AIGI) The Indigenous Governance Toolkit (refreshed in 2012 - 13, in transition to AIGI) provides free information and resources to support governance development in Aboriginal and Torres Strait Islander organisations. Toolkit includes research content, best practice information, case studies, workbooks, policy making tools, visual tools – diagrams, drawings, video interviews with Indigenous leaders, groups and organisations about their experience, templates and checklists for self-evaluation of governance and governance development planning tools etc.	Robynne Quiggan, CEO http://www.aigi.com.au/
Australian Indigenous Leadership Centre Provides training: 1. Certificate IV in Indigenous Governance aimed at people on Aboriginal organisation Boards; 2. Certificate IV Indigenous leadership; 3. Certificate II in Indigenous leadership including Representation, Communication and Diplomacy; Practical Diplomacy; Daily Directors Role, Assessment and Feedback; Leadership and Patterns of Diversity in strengths based approaches; 4. range of non-accredited short courses leadership programs including National and Regional Women's, Men's and Youth Leadership Programs; 5. an Introduction to Diversity Mentoring (Indigenous) course for the Australian Indigenous Leadership Centre. 2010 (developed by Eddie Watkin and Marg Cranney).	Murray Coates, General Manager http://www.ailc.org.au/ Materials available at the courses
Australian Institute of Aboriginal and Torres Strait Islander Studies Substantial resources and tools Governance Tool: *Maps to Success: A Handbook—Successful Strategies in Indigenous Organisations, AIATSIS and The Australian Collaboration, Canberra.* http://www.aiatsis.gov.au/_files/research/Maps_to_Success_text_only.pdf	http://www.aiatsis.org.au Mick Dodson - Principal Toni Bauman – Governance Fellow Lisa Strelein – Native Title

Australian Institute of Company Directors Provides Governance Training and significant resources including for NFPs which can be tailored. Additional material available if a member of AICD. 1. Diploma in Business (Governance) includes 10 Aboriginal and Torres Strait Islander units of competency from the Business Services Training Package, 12 units of competency in total. The course isn't specifically designed for Indigenous Boards or individuals and the Institute is using those units more broadly in training for the community sector. Indigenous people have graduated from their course	http://www.companydirectors.com.au/Courses http://www.companydirectors.com.au
Centre for Aboriginal Economic Policy Research (CAEPR) & Reconciliation Australia 1. Indigenous Governance Research Project (2004 - 2008): partnership between CAEPR and Reconciliation Australia, undertook research on Indigenous community governance with participating Indigenous communities, regional Indigenous organisations, and leaders across Australia 2. Numerous case studies and reports 3. An annotated bibliography of research literature relevant to Indigenous Governance.	http://caepr.anu.edu.au/governance/index.php
Closing the Gap Clearinghouse Evidence and information relating to the Engagement with Indigenous Australians by governments; Leadership and Governance building, a Research and Evaluation Register.	http://www.aihw.gov.au
Federal Court of Australia and AIATSIS Project publication. Federal Court case study project in Indigenous dispute management (2003 – 2006), 'Solid Work you Mob are Doing'. Comparative case studies, drawing out of commonalities and difference and practical advice.	http://www.aiatsis.goc.au
First Nations Foundation First Nations Foundation (FNF) was established in early 2006 by a group of respected First Australian leaders, with the vision of enabling First Australians* to make informed decisions about their financial wellbeing, in turn securing a sound economic future for themselves and their communities. Workshops and Program: *The My Moola: Opening financial pathways* is an adult financial literacy program for members of Indigenous communities.	www.fnf.org.au Trevor Pearce, CEO
South Australian Government, Department of the Premier and Cabinet Publication: Regional Authorities: A regional approach to governance in South Australia, Consultation Paper, July 2013	
Indigenous Business Australia Numerous publications and tools for Indigenous businesses.	http://www.iba.gov.au/
Reconciliation Australia **Indigenous Governance Awards** Indigenous Governance Awards (in transition to AIGI), highlights organisations with excellent governance and how they achieved that, identifies, celebrates and promotes effective governance in Aboriginal and Torres Strait Islander Organisations.	http://www.reconciliation.org.au/governance/ Phoebe Dent, Manager, IGA
Jumbunna Indigenous House of Learning (IHL), University of Technology (UTS), Sydney Governance Research Project: *Changing the Conversation: Reclaiming Indigenous Government* (2010 - 2013), Research collaboration between Jumbunna IHL, at UTS Sydney, and the	http://www.uts.edu.au/staff/alison.vivian

Native Nations Institute at the University of Arizona, ARC Discovery Project DP1092654, (Alison Vivien, Miriam Jorgensen, Mark McMillan and others). Intensive collaboration with two Indigenous nations in Australia engaged in practical tasks of governance and in the expansion of de facto jurisdiction. Tested the applicability of nation-building concepts drawn in part from North American research. Findings generally unpublished but a variety of products ready to submit for publication by the end of 2014.	
Justice Connect Not-for-profit JCNP works with the corporate and community legal sectors to increase access to justice for those experiencing disadvantage. Through our deep and strong connections with the legal community, we aim to fill unmet legal need, grow pro bono culture, and advocate for policy reform where the law doesn't serve those most in need. Governance Fact Sheets for NFP and legal information for community organisations	http://www.justiceconnect.org.au
Department of Prime Minister and Cabinet, Leadership and Capacity Development	Brendan Moyle, Senior Advisor
Department of the Prime Minister and Cabinet, Indigenous Workforce Strategies	Geoffrey Richardson, Assistant Secretary,
National Centre for Indigenous Excellence **Indigenous Digital Excellence Program** Strengthening Indigenous participation, practice and entrepreneurship in the digital economy.	http://ncie.org.au http://idx.org.au Jason Glanville, CEO
University of Melbourne, School of Governance, Melbourne Law School (MSoG) Indigenous Nation Building: Theory; Practice and its emergence in Australia's public policy discourse (2014 – 2016), ARC Linkage project LP 140100376, an opportunity for MSoG to engage with important nation building developments and co-ordinate and participate in extensive Indigenous self-governing research. Aims to be one of the nation's leaders in Indigenous governance research collaborating with seven universities including the University of Arizona and three Aboriginal nations.	https://government.unimelb.edu.au/indigenous-nation-building Mark McMillan

6.3 USEFUL WEBSITES WITH GOVERNANCE BUILDING TOOLS

The AIATSIS and AIGI websites will be shortly listing the following publication which contains in-depth analysis of governance issues discussed at a workshop in 2014, including: an assessment of recent research and available resources for Indigenous Australians working in the area of governance building:

Bauman, T., Smith, D.E., Keller, C., Drieberg, L. and R. Quiggan. 2015. *Indigenous Governance Building: Mapping Current and Future Research and Practical Resource Needs*, Report of Workshop convened by AIATSIS and AIGI, Canberra July 2014, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra and the Australian f Indigenous Governance Institute, Sydney.

National and International Websites

British Columbia Assembly of First Nations, Governance Toolkit – Canada

British Columbia Treaty Commission, HR Toolkit – Canada

Metis Nation Gateway – Canada

National Centre for First Nations Governance – Canada

Te Puni Kokiri – Effective Governance – New Zealand

The Harvard Project on American Indian Economic Development – USA

University of Arizona Indigenous Governance Database – USA

Democratic Governance – The United Nations Development Programme

Community Builders NSW – Australia

Effective Community Governance – USA

Institute on Governance – Canada

Nonprofit Good Practice Guide – USA

Our Community – Australia

The Community Tool Box – USA

6.4 PHILANTHROPIC SOURCES OF FUNDING SUPPORT

Philanthropy is the planned giving of money or other resources for the purpose of developing community well being. It represents a potential alternative source of funding for Aboriginal organisations and agencies from government grants, fund raising, corporate sponsorship, earned income and benefits generated from land rights and native agreements.

Philanthropic funding can be more discretionary than funds from other sources, and it can fund projects that are not within government funding guidelines. Securing philanthropic funding therefore enables an Aboriginal organisation to diversify its support base.

However, most charitable organisations receive less than 10% of their funding from the philanthropic sector. And importantly, attracting a 'champion' philanthropic donor is all about the relationship, which itself requires considerable time and energy to build and sustain.

The ORIC report (2014) on the Top 500 Aboriginal incorporated organisations documents the following trends:

1. The proportion of self-generated income relative to other sources of funding has grown from 2007 and is currently about 40%. ORIC suggest that the highest earning corporations are slowly but steadily becoming more self-reliant financially.

2. Government and self-generated income has increased every year as source of income for corporations.

3. Income from other sources shows more erratic pattern over time – this consists largely of mining royalties and compensation payments
4. Over a five-year period, the income generated from philanthropic gifting of funds has remained under 0.1%. In fact there was no income generated at all by the top 20 corporations in 2011-12 from the philanthropic sector.

In Australia, the major banks, mining companies, legal firms are potential donors of monies and pro bono support. It would also be worthwhile targeting companies that have signed up to Reconciliation Action Plans, as they may have identified areas of expertise and/or funding and resources that align with areas of AGMP's work.

Another untapped area of support lies within Indigenous Australia. The NT has the highest average income earned amongst its incorporated Aboriginal organisations. There are now numerous signed development agreements that deliver substantial flows of monies to Aboriginal land owners. The **Aboriginal Benefits Account** (ABA) administers monies that are specifically identified for the benefit of all NT Aboriginal people. Arguably, the AGMP is being conducted for the benefit of all Aboriginal organisations and communities in the NT.

There is an important 'opportunity cost' argument to be made that a recurrent core investment *now* from the Aboriginal Benefits Account, government, along with voluntary contributions from well-off Aboriginal royalty associations and the philanthropic sector, will make a major contribution to the future viability of organisations and the well-being of community residents over time. Such a current investment in the AGMP thus represents a substantial future saving to governments and makes an invaluable contribution to the future health and well-being of Aboriginal Territorians.

The AGMP may find it useful to first seek pro bono support to undertake such an Opportunity Cost Analysis of its service functions that makes the case for long-term core funding.

There are several useful websites and publications (national and international) that address the issue of the Indigenous sector and philanthropy.

1. *Australian Indigenous Guide to Philanthropy*, Victorian Aboriginal Community Controlled health organisation, 2004. http://www.yooyahcloud.com/DTL/dbZWV/AIGTP_Book.pdf

2. *Philanthropy New Zealand* is the hub of philanthropy in New Zealand. We provide thought leadership and practical help for everyone with an interest in giving to make the world a better place. Our members include private philanthropists; family, community and corporate foundations; and iwi and community trusts. http://www.giving.org.nz

3. *Canadian Indigenous peoples and philanthropy*.
   Measuring the Circle: Emerging Trends in Philanthropy for First Nations, Métis and Inuit Communities in Canada. http://philanthropyandaboriginalpeoples.ca/wp-content/uploads/2014/06/Measuring_the_Circle_Final.pdf

4. *Effective Philanthropy Australia*
   Focuses on non-profit organisational development. Effective Philanthropy produces Issue-based reports for philanthropists and policy makers, as well as developing and implementing projects. Effective Philanthropy produced report on Aboriginal women: *The Best of Every Woman: An Overview of Approaches for Philanthropic Investment in Aboriginal Women and Girls (2012)*. http://www.effectivephilanthropy.com.au

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