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Decision-making guides

**2018 Native Title Conference
Broome**

Vision for the guides

- Intent, why needed?
- How to move towards consensus decision-making process?
- Increase ability to reach mob, build understanding as well as their d-making process capacities
- Available to all on line
- Live documents

Developmental process and form of guides

- **Second part of family meetings: see through members perspective**
- **Research at AIATSIS**
- **Meetings around drafts, reducing length**
- **Lift outs: Directors, CEO, Chair, Members, staff**
- **Governance capacity building exercise: changes to Rule book for best practice**
- **Relationship between rule book, code of conduct, policies, induction materials**

Example of Contents: usual CATSI ORIC requirements plus

- What are the principles of TCAC decision-making?
- What is the decision-making role of Directors?
- What decisions do Directors make at Board meetings?
- What decisions do members make?
- What decisions are made at AGMs? By whom?
- What decisions are made at general meetings?
- What are the Chair's decision-making responsibilities?
- What decisions can the Chair make outside of meetings?
- What decisions does the CEO make?
- Separation of powers and roles
- Conflict of interest
- ETC ETC

Examples of Principles of effective decision making

- ❑ **United Nations Declaration of the Rights of Indigenous Peoples**
 - **Free, prior and informed consent at each stage of a process with information readily available and easy to understand**
 - **Right to participate in decisions impacting**
- ❑ **Right to say no**
- ❑ **All views are valued and heard**
- ❑ **Good faith**
- ❑ **Balance social, cultural and economic interests**
- ❑ **Consider the impact of decisions on specific individuals, groups and communities**
- ❑ **Work to build consensus**
- ❑ **For the good of the whole**

Examples of significant issues under discussion

- Conflict of interest
- Separation of powers
- Role of elders
- Membership
- Elections
- Family representation
versus skill based board
- Subsidiarity
- Codes of conduct
- Corporate versus cultural
governance

Consensus building guide

- **Steps to take in making a difficult decision to build consensus**
- **Lift out**



Taungurung Clans Aboriginal Corporation (TCAC)

DECISION-MAKING GUIDE/S





WHO IS PART OF TCAC?

TCAC, like other CATSI Aboriginal Corporations, works a bit like a football club and includes people with a range of rights and interests.

TCAC is made up of:

- a board of directors consisting of 8 Taungurung directors and 2 independent (not necessarily Indigenous) directors who may have specialist expertise in areas of concern to TCAC
- a chairperson and deputy chairperson of the board
- staff including the CEO
- members
- non-members

HOW DOES TCAC WORK?

All the different parts of TCAC must work together, with a clear understanding of what everyone does including their roles and responsibilities in decision-making. In 2017, TCAC developed its own Rulebook which outlines the rules that govern the corporation.

Like other corporations, the business and activities of TCAC are divided into two areas. These are sometimes referred to as 'operational' and 'strategic'.

- the TCAC board of directors, led by its chair and deputy chair, looks after big picture thinking and issues and makes strategic decisions about issues like planning, membership and negotiations with governments
- TCAC's day to day business, its operations, is handled by the CEO. The CEO answers to and is directed by the board. TCAC staff answers to the CEO. Operations might include things like staffing, paying bills, use of TCAC vehicles, developing procedures and policies and representing TCAC on a daily basis
- directors, CEO and staff may approach members at any time for their feedback. Members may also approach directors, staff and the CEO with their concerns. Annual general meetings (AGMs) provide the main forum for them to all meet together



WHAT DECISIONS DO DIRECTORS MAKE?

The kinds of decisions which directors make at their board meetings, are about things like:

- corporate business issues such as logos and spellings
- definitions of TCAC membership and membership applications
- project partnerships such as with Universities or local councils
- financial delegation for events and projects such as Tanderrum
- appointment of working groups such as cultural heritage
- RAPs and cultural heritage issues
- negotiated settlements
- removal of directors

Other larger decisions about land, water and culture such as negotiated agreements with the State Government, may be made by all TCAC members at the AGM or other special meetings including authorisation meetings, often run by Native Title Services Victoria.

CAN I BE REMOVED AS A DIRECTOR BEFORE MY TERM IS UP?

Directors must perform their roles and responsibilities effectively and make free prior and informed decisions for the good of the whole.

Directors or members of TCAC have the power to remove a director if he/she is not performing their duties in the best interest of TCAC. If a Director is removed from his/her position on the board, he/she remains a member of TCAC.

DRAFT – DO NOT CIRCULATE

Cultural governance

- Range of views about possibility of keeping culture and corporate/economic enterprise/financial business separate
- Definitions of:
 - Governance?
 - Culture?
- Using culture in a destructive way, making excuses for bad behaviour
- Nepotism may be just looking after family
- Cultural safety
- Code of conduct

Some Challenges

- Language
- All the governance work needed to identify effective practice
- Time frames to finalising
 - ongoing development
 - changes to the Rule Book
 - user testing
- Dispute management clause/policy
 - between whom?
 - about what?
 - In the guide?

Focus Questions

- *Who has any similar decision-making guide projects or examples? What issues do you see in developing such guides?*
- *What does cultural governance mean to you?*