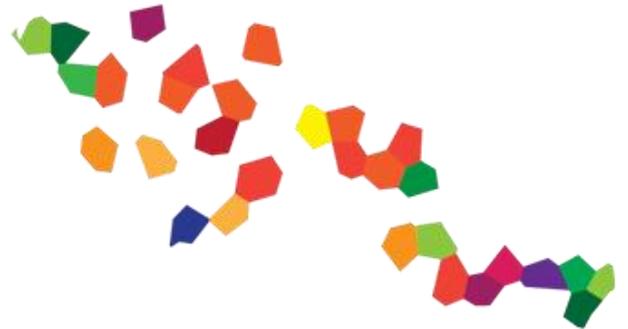


AUSTRALIAN
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Common Roots, Common Futures: Indigenous Pathways to Self-Determination

Preliminary Report into Indigenous Governance
Education and Training in Australia

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May 2018



Common Roots, Common Futures: International Network

Common Roots, Common Futures (CRCF) is an international Indigenous governance network with a practice and applied research agenda which was established in 2012 by leading practitioners and stakeholders from the CANZUS countries (Canada, Australia, New Zealand and the United States of America). Common Roots International Indigenous Governance Workshops take place periodically to bring together Indigenous governance leaders, researchers and practitioners for an international conversation about what is happening that is innovative and productive in Indigenous-led self-governance and development.

The international CRCF network and workshops are collaboratively hosted by the:

- Australian Indigenous Governance Institute and the National Centre for Indigenous Studies at the Australian National University, Canberra, Australia; and
- Native Nations Institute for Leadership, Management and Policy at the University of Arizona, Tucson, USA.

We work collaboratively and in partnership with colleagues from across the CANZUS network, including:

- Maori and Indigenous Governance Centre, at the University of Waikato, New Zealand; and
- Canadian Gitksan leaders.

We would also like to acknowledge the Australian Aurora Project (auroraproject.com.au) for its ongoing support of valuable internships and critical applied research which supported this audit initiative.

Some caveats to keep in mind

The research on which this report and audit rests was conducted over a very short period of four weeks at the Australian Indigenous Governance Institute (AIGI), located within the National Centre for Indigenous Studies (NCIS) at the Australian National University as part of an Aurora Internship Program. The simple goal was to see what is available in the field of Indigenous governance training and education needs. Accordingly, a number of limitations and caveats apply.

Firstly, the findings are preliminary, and the audit has been conducted with an assumption that, as with all such audits and surveys, it can be expanded in scope and will need to be periodically updated. All information is current as of August 2017.

Second, training initiatives are constantly being adapted to suit the needs of both the training provider and target audience; and come and go as a result of changing funding.

Third, the templates designed to collate data are working documents subject to ongoing refinement. They are not intended to provide an exhaustive overview of current Indigenous governance training initiatives in Australia. Neither are the template findings to be interpreted as recommendations; AIGI has not conducted any assessment of the delivery standards or content quality of the training programs.

Fourth, this report provides an overview of the research and outcomes. To view the data, please visit <http://www.aigi.com.au/>.

If you know of training and education initiatives that are not covered in this report please contact AIGI with updates, or suggested directions for further research.

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Common Roots, Common Futures Governance Network

Canada, Australia, Aotearoa/New Zealand and the United States of America (referred to hereafter as CANZUS) are diverse countries with significant structural, historical and cultural differences. Despite their differences, these liberal-democratic nations are similar in the way they position themselves globally in the promotion and defence of democratic governance with its emphasis on individual liberty, citizenship rights and related institutions of participation and accountability. However, the CANZUS countries also share another similarity in the historical and ongoing Indigenous experience of settler colonialism, and in the disproportionate rates of socioeconomic disadvantage and life expectancy which continue to be encountered by Indigenous First Nations peoples within their borders. This report is informed by the understanding that Indigenous sovereignties cannot be and have not been erased by colonising processes, and that 'the best defence of sovereignty is to exercise it effectively' (anonymous cited in Cornell 2012:10). As Canadian Gitksan leader Neil Sterritt points out (cited in Smith, Bauman & Quiggin 2014:13) the challenge 'is not only to gain more control over [our] affairs, but to find ways to make control meaningful'. The goal is to govern well.

Over the last 15 years there has been a discernable international movement in Indigenous politics from a focus on securing rights to a focus on exercising those rights through effective governance (Cornell 2012:1; Smith 2012). In the report coming out of the first Common Roots, Common Futures (CRCF) Indigenous governance workshop in Tucson, USA, Diane Smith (2012:15) describes this movement as a transition from the 'rights battle' to the 'governance and development challenge'. Indigenous peoples in all four CANZUS countries have highlighted the important role that effective governance plays in promoting self-determination, cultural resilience and community development outcomes. Governance capabilities are essential to delivering genuine decision-making power to Indigenous peoples, and to being able to transform hard-won Indigenous rights into improved lived realities. However, such skills are often gained in the ongoing contexts of colonisation, denial of rights and complex community circumstances which pose significant challenges to (re)building Indigenous governance structures and capabilities (Bauman et al 2015:88).

Capacity development:

The development of an individual, group or organisation's core skills and capabilities in order to build their overall effectiveness and achieve their goals.

Governing meaningfully and well relies on many things: power, leadership, participation, institutions and structures, resources and human capabilities to name just a few. A recurrent focus of Indigenous attention in each CANZUS country (Cornell 2012; Bauman et al 2015; ICG Project 2006; Smith 2005) has been to gain access to governance capacity development in priority areas such as:

- Leadership, representation and succession
- Roles and responsibilities of elected members, management and staff
- Cultural governance skills and models
- Communication and negotiation with members
- Resource governance
- Dispute resolution and mediation
- Organisational structures and procedures
- Governing information and data systems

- New technologies for governing

The Australian Indigenous Community Governance (ICG) research project (2002-07) and a later AIGI-AIATSIS workshop (Bauman et al 2015) found that a wide variety of approaches, in the right environment, can help facilitate the development of such governing capabilities by individuals, organisations and within communities. Such approaches include formal educational courses at all levels, 'learning by doing', team learning, job shadowing, volunteering, mentoring, coaching, supervision, governance development planning, community courses, group meetings, review and evaluation processes, and toolkits are all mechanisms that can provide useful governance training opportunities; although the ICG Project emphasised that out of all of these, sustained placed-based training and education provided significantly enhanced results.

It follows that there are a large number of possible delivery mechanisms and ways of providing governance capacity - from formal to informal, internal and external deliverers, individual and team delivery. Some Indigenous community groups and organisations are developing their own home-based solutions after assessing their collective priorities and individual needs for governance development. Some are using external expertise when an objective eye or fresh insight is needed. Many are increasingly looking to secure customised education, workshops and training that suit their specific cultural and governance circumstances. In respect to building or strengthening governance capabilities, the challenge experienced by many Indigenous groups has been how to access the kind of governance training and educational support they want.

It is in this context that the current report has been produced; as a contribution to pulling together in an accessible form, some of the Australian information about what is available by way of governance education and training for Indigenous people. As our audit quickly demonstrated, this is a rapidly expanding service industry with a plethora of delivery options and content. The report is also imbued with the shared belief of the international participants in the Common Roots, Common Futures conversation; namely, that the CANZUS countries are united by the consistency and resilience of Indigenous demands for self-governance, and that practical insights into what works in one country may hold important lessons for other countries. As Sir Mason Durie (cited in Smith 2017:3) from Aotearoa/New Zealand observed, 'as we go into the future ... we will make progress much quicker if we unite in different ways' and if 'we can convert the common ground into a path into the future'.

The first CRCF workshop was held on the land of the Tohono O'odham Nation in Tucson, Arizona in February 2012. An opportunity to continue this international conversation was provided at the second CRCF workshop held on the land of the Jagara, Turrbal and Quandamooka First Nations in Brisbane, Australia in March 2017. The conference, entitled *Strategies for Success in Indigenous Governing for Development: An International Conversation*, was convened as a partnership between the National Centre for Indigenous Studies (ANU), the Australian Indigenous Governance Institute (ANU) and the Native Nations Institute (University of Arizona).¹ This three-day event was attended by approximately

¹ Significant support for the 2017 Common Roots, Common Futures workshop was provided by the Academy of the Social Sciences in Australia, Australian Indigenous Governance Institute, National Centre for Indigenous Studies at the Australian National University, Native Nations Institute at the University of Arizona, Annamila Foundation, BHP Billiton Foundation, and the Queensland Government.

40 Indigenous and non-Indigenous leaders, governance practitioners and researchers from Canada, Australia, Aotearoa/New Zealand and the United States, and focused on the teasing out the interconnections between Indigenous self-determination, self-governance, and development outcomes.²

Recommendation for an Audit of Indigenous Governance Education and Training

A number of themes have continued to inform the CRCF conversation, including the question: ‘is there an action research and communication agenda emerging from this discussion that could yield practical benefits and usable lessons for Indigenous communities?’ (Smith 2012:6). One such agenda arising from the Brisbane workshop was the recommendation by Indigenous delegates that each country undertake an audit of the kinds of governance education and training available to their Indigenous nations and communities.

It was suggested that such audits could provide an informative snapshot, enabling the identification of relevant issues and trends in the provision of Indigenous governance education and training in each CANZUS context. In addition, it was suggested that the initial template designed in Australia for collating information be made available to other delegates to adapt and undertake similar audits in their own countries. It was further agreed that a summary overview of the audit be uploaded onto institutional websites so that Indigenous delegates and a wider audience in each CANZUS country could have access to detailed information about options for professional development and capacity-building for Indigenous governance.

In response to these recommendations, AIGI secured an Aurora Intern under the Australian Aurora Project (Ms Alice Wighton) who developed a template for the purpose of documenting the results, conducted a preliminary audit, and produced this overview report into issues relevant to Indigenous governance education and training (hereafter referred to as ‘education’) in Australia.

The structure of this report is as follows.

First, an overview is provided in Part 1 of the contemporary governance environment in Australia, within which Indigenous governance and related education operates. This discussion provides an opportunity to consider the Australian State’s own governance of Indigenous Affairs (in particular its policy and funding arrangements), as well as the complexities surrounding capacity development for building Indigenous governance.

In Part 2, the report details the methodology employed for conducting the audit, including how data were gathered and collated, the limitations of the audit, and recommendations for future template design.

In Part 3, the report considers three broad and preliminary themes that have emerged from the audit, and which relate not only to the availability of different kinds of governance education, but also to the broader issues of the ‘governance of Australian governments’ in respect to their provision of governance education and training (Bauman et al 2015:104).

² See Glossary for definitions of some relevant terms.

These broad themes include:

- (i) the seemingly disproportionate provision of organisational and corporate governance training;
- (ii) the corresponding lack of culturally informed, customised and place-based governance training; and
- (iii) the disruptive impact on Indigenous governance and training of short-term funding arrangements.

These themes support the findings and recommendations of the Indigenous Community Governance Research Project (ICGP) reports (2006), papers on governance capacity development (eds Hunt, Smith, Garling & Sanders 2008) and the subsequent *Building Aboriginal and Torres Strait Islander Governance: Report of a Survey and Forum to Map Current and Future Research and Practical Resource Needs* published by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and AIGI in 2015.

Caveats and Future Options

The research on which this report and audit rests was conducted over a very short period of four weeks at the National Centre for Indigenous Studies, at the Australian National University as part of an Aurora Internship Program. Accordingly, a number of important caveats apply. Firstly, the audit does not claim to be comprehensive in any way. It has been conducted with an assumption that, as with all such audits and surveys, it can be expanded in scope and will need to be periodically updated. Second, much of the research examined electronic sources (such as community, departmental, tertiary sector and organisational websites) and so is limited as a result. This is particularly in cases where course information provided on a website was out-of-date, incomplete or absent, and/or training providers were difficult to contact directly via phone or email. Third, it is important to note that self-employed consultants in the private sector were not included due to the limited timeframe for the audit. Fourth, groups and organisations who are creating their own training solutions but do not advertise that on a website are, accordingly, mostly absent from the audit. One thing that is immediately clear from the audit, is that since the commencement of the Indigenous Community Governance Research Project over 15 years ago, there are now many Indigenous groups and communities exploring options for their own governance, and searching for resources (including education and training) to assist them in their efforts to strengthen their governance arrangements.

Further research and consideration is needed to engage with the practicalities of:

- (i) whether a more coordinated national funding approach from the Australian and state/territory governments is possible and would more effectively support Indigenous governance training;
- (ii) how governance educational initiatives can be made more flexible in order to better identify and work with Indigenous nations and communities' cultural practices and priorities; and
- (iii) how to address the negative impacts of the Australian State's own rapidly changing policy frameworks and fragmented governance of Indigenous Affairs.

Fifth, it is important to note that training initiatives are constantly being adapted to suit the needs of the training provider and target audience; and come and go as a result of changing funding. All information is current as of August 2017. Further longitudinal, comparative and collaborative research is necessary to gain a more comprehensive understanding of Indigenous governance education and training provision across Australia, as well as in other CANZUS countries.

Lastly, it is also important to note that the 'Long Form' and 'Short Form' Templates designed to collate data are working documents subject to ongoing refinement. They are not intended to provide an exhaustive overview of current Indigenous governance training initiatives in Australia. Neither are the template findings to be interpreted as recommendations regarding any particular service provider; AIGI has not conducted any assessment on the standards or quality of the education and training programs.

In terms of template design, this report recommends that future templates include summary information about the availability of scholarships for Indigenous participants, in order to identify trends in the accessibility of certain forms of governance education and training. In addition, we recommend that future templates include summary information about private and public sector funding, in order to identify trends in government and non-government support for particular forms of governance training.

Part I. The Australian Governance Environment

Although there has been a broad international movement amongst Indigenous polities to include not only a focus on securing rights, but also a focus on exercising those rights through effective governance, this has only recently begun in Australia (Cornell 2012; ICGP Report 2006; Smith & Holmes 2013). The formation of AIGI in 2012 was motivated by just such a goal. In some ways, the Indigenous legal rights battles have been less successful in Australia than in other CANZUS countries. Indigenous peoples have mostly been unable to secure jurisdictional or legally enshrined rights to self-government, and the rights that have been legally recognised are vulnerable to political intervention.³ However, Indigenous nations, communities and their representative organisations are engaging in governance-building nonetheless (Smith & Bauman 2014:12). The national *Indigenous Governance Awards* in Australia clearly demonstrate that in the absence of robust rights such as treaties or constitutional protection (or perhaps because they are lacking?) Indigenous groups are devising creative governance solutions to suit their self-determined priorities. Indeed, Stephen Cornell (2012:9) suggests the movement toward governance in the Australian context may open an alternative pathway to the recognition of Indigenous rights ‘not from rights to governance, but from governance to rights’. This certainly seems to be the case for Aboriginal nations such as the Narnendjerri who are currently negotiating a treaty with the South Australian Government after having strategically invested for decades in rebuilding their nation and its collective governance arrangements.

Governance environment:

The broader external political, legal, policy, institutional and economic context within which a nation, community or organisation carries out its own governance functions.

According to Smith (2010:87) the Australian governance environment contains ‘a shifting multiplicity of overlapping, powerful fields of governmentality and governance; both Indigenous and non-Indigenous’. Smith goes on to describe the adverse impacts of the ‘hyper-fluidity and turbulence of the Australian state in Indigenous affairs’ with its ‘cyclical pattern of governmentality; ... gravitating along a continuum between modes of inclusion, recognition, marginalisation, exclusion, and reshaping of Indigenous governance’. This cyclical pattern is best illustrated in the decades of politicised government discourse and debate around how to best implement the notion of self-determination in Indigenous Affairs.

In 1990, the House of Representatives Standing Committee on Aboriginal Affairs (HORSCAA 1990:12) represented Indigenous self-determination as ‘the devolution of political and economic power to Aboriginal and Torres Strait Islander communities’. In addition, HORSCAA (1990:12) specified that self-determination should provide Indigenous peoples with ‘control over the ultimate decision about a wide range of matters including political status, and economic, social and cultural development’ and ‘the resources and capacity to control the future of their own communities within the legal structure

Government:

The jurisdictional authority that rules a country, nation, community or state, through delegated powers, policy and regulations or laws.

³ The terms ‘Indigenous’ and ‘Aboriginal’ are used interchangeably throughout this report to refer to Aboriginal and Torres Strait Islander people. It is important to acknowledge the limitations of these terms in accounting for the complexity and diversity of Indigenous identities and experience.

common to all Australians'. However, deficit-based language accelerated under the later Howard Government in the mid-1990s and asserted that the devolution of political and economic power to Indigenous peoples demonstrated that self-determination had been 'tried and failed' (Bauman et al 2015:xix). Following Howard, state/territory and federal government discourse has broadly moved

Self-determination:

Indigenous peoples' assumption of real decision-making power and responsibility for what happens on their lands, in their communities, in their governing systems, and in their development strategies.

away from any recognition of self-determination and self-governance based on transferring genuine decision-making power to Indigenous peoples, and toward a discourse that attempts to reduce governance to self-management that gives Indigenous peoples the 'right to be consulted' about service delivery (Smith 2010:85).⁴ Not surprisingly, government has correspondingly focused on the need for Indigenous capacity building around the skills required for service delivery, program accountability and corporate financial management.

Despite governments' retreat from self-determination as a policy platform, the concept of governance has become a major topic of discussion amongst Indigenous peoples in Australia over the last 15 years, particularly since the Indigenous Community Governance national research project and its edited publication (2008). The term 'governance' has been employed internationally for several decades in discourse surrounding global politics and aid, and in those contexts has often been aligned with 'western democratic, neo-liberal economic ideas of what is supposed to constitute 'good' governance' (ICGP Report 2006:3); which is 'usually compliance with regulations, financial accountability issues, and technical standards of measurement' (Smith & Bauman 2014:6). However, the contested nature of the term in intercultural contexts has led to a diverse array of interpretations by Aboriginal and Torres Strait Islander peoples, Australian governments, and the non-government sector (Smith & Bauman 2014:6). This report does not attempt to trace the history of the term in Australia, or articulate the concept in all its forms. Rather, following Smith and Hunt (2008:9) we employ the term 'governance' to refer to:

... the evolving processes, relationships, institutions and structures by which a group of people, community or society organise themselves collectively to achieve the things that matter to them ... In other words, governance is as much about people, power and relationships as it is about formal structures, management and corporate technicalities.

The complexity of *Indigenous* governance is difficult to contain within a simple definition. While 'culture' is often used to describe how Indigenous governance is 'different', in fact all modes of governance are culturally informed. Furthermore, it is important to avoid 'ossifying' the cultural practices and institutions that inform governance arrangements, and to acknowledge the many diverse Indigenous 'cultures of governance' across Australia

Governance:

The complex mechanisms, processes, relationships, structures and institutions through which power and authority are assigned and exercised in a group, so that decisions can be made, activities carried out, and the group's collective goals achieved in the 'right way'.

⁴ Exceptions to this broad political approach by governments to self-determination include the establishment of the New South Wales Government's Aboriginal Affairs Strategy 'OCHRE' (Opportunity, Choice, Healing, Responsibility, Empowerment), and treaty discussions more recently taking place in Victoria and South Australia by those state governments.

(ICGP Report 2006:40). Marcia Langton (2002:1) drew attention to the ‘ancient jurisdictions’ of Aboriginal modes of governance, arguing that if, in settler Australian common law ‘native title survives, then Aboriginal jurisdictions, that is the juridical and social spaces in which such laws are practiced, must also survive’. Such Indigenous culturally-based jurisdictions of governance are not an ‘unchanging relic of pre-colonial times’ nor a ‘permanent end state’ (Smith 2017:7). Rather, the intercultural environment in which Indigenous governance operates in Australia is what makes it unique and dynamic: today, Indigenous modes of governance are positioned so that they are required to be accountable to Australian legislative, financial and policy demands, as well as to Indigenous law, social and cultural priorities. According to former Indigenous Social Justice Commissioner Mick Gooda (AHRC 2012:90):

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

While settler Australian and Indigenous priorities are not always inconsistent, they often pose challenges to the operation of place-based and culturally-informed systems of governance (HORSCAA 2004:133). As such, Indigenous governance is not just concerned with Indigenous peoples’ values, norms, laws and traditions; it also has to deal with what has been termed by the ICG Project as the ‘governance of government’ (Hunt et al 2008; ICG 2005, 2006). The ICG Project describes the governance of government as the nature, strategies and consequences of government’s own modes of governance in Indigenous Affairs, including its changing power, policy, service delivery, funding institutions and goals across different jurisdictional levels. From this perspective, research into Indigenous governance and related capacity development must take into account the Australian State’s conduct of its own governance, and how that influences and intersects with Indigenous modes of governance.

Despite these challenging circumstances, there has been a dramatic increase in the number of people (academics, lawyers, demographers, planner, policy makers, political scientists, and bureaucrats) working in the field of Indigenous governance over the last decade, and a consequent increase in Indigenous governance education and training initiatives (Smith & Bauman 2014:13). An overwhelming conclusion of the four year ICG research project (2006) was that communities and their organisations require much greater access to best-practice governance information, coordinated funding for training, practical tools and professional expertise to support them in their governance (re)building activities, because currently, ‘the demand far outweighs the supply’.

Governance of government:

The nature, strategies and consequences of state/territory and federal governments’ own modes of governance in Indigenous Affairs, including their every changing power, policy, service delivery and funding institutions and goals across different jurisdictional levels.

A review of the literature reveals a relatively small but growing body of research into the rise in Indigenous governance initiatives in the contemporary Australian context. Although this increase has been examined from a range of academic and organisational positions, there has been extremely limited consideration of the provision and trends in Indigenous governance education and training on

a national scale (Bauman et al 2015; ICGP Report 2006; Keller & Bauman 2015).⁵ The significance of this report therefore is that it builds upon this scant earlier literature and hopefully contributes to a more cohesive approach to Indigenous governance training initiatives, provides an overview of current trends, and identifies areas for further research and development.

⁵ Smith and Bauman (2014:16) provide a reasonably detailed overview of current research activities as at 2014.

Part 2. Methodology

This report into Indigenous governance education and training across Australia is preliminary, and at best presents an informative snapshot of available providers and trends in governance training as of August 2017.

Drawing from a range of data sources, the audit builds on the list of research initiatives and practical tools identified in Smith & Bauman (2014) and Keller & Bauman's 2015 report entitled 'A Short Survey: Mapping Indigenous Governance Research and Resources'. Audit data were collected primarily from publicly available information online, as well as through phone and email correspondence with training providers as possible.

An important outcome of the 2016 Common Roots, Common Futures workshop was the recommendation by Indigenous leaders that a template be designed to tabulate summary information about Indigenous governance training and education. AIGI agreed to design the initial template, and to circulate it to other CANZUS delegates who could then adapt it to undertake their own country audits. Because this is effectively the first time an attempt has been made to document what is 'out there' nationally, there has been a lot of discussion about the criteria and headings that would be most useful for describing the kinds of education and training available. Not surprisingly, these variables grew and were customised as the data were collected and analysed. The growing body of data were eventually collated into two different templates: a long form and a short form. The long form template presents the detail while the short form template summarises key issues and trends.

2.1 The 'Long Form' Template

The long form template (Appendix A, see www.aigi.com.au) was designed to tabulate summary information to be uploaded onto the AIGI and other websites. As much detail as possible has been included, in order to provide Indigenous peoples with wide-ranging information about their options for professional development and capacity-building for governance.

Guidelines for how to access and use the template have also been written and are provided with the templates online. The long form template is divided into four parts:

Part 1 details information about the training organisation. The sub-component categories which were developed for auditing that information are:

- Training organisation, with description
- Organisation type, with identification number
- Charitable status
- Website

Part 2 of the template sets out more specific information about the type of training provided. Here the sub-component categories used to audit the information are:

- Training program
- Qualification
- Delivery mode
- Training type
- Target audience

- Aim of training
- Description of training
- Duration
- Location
- Frequency
- Number of participants per course
- Resources provided

Part 3 of the template details the specific governance content of each training program. Sub-component categories developed for auditing this information are:

- General governance content
- Indigenous-specific governance content
- Cultural competence

Part 4 of the template details the fee and registration process for each training program. Here the sub-component categories used to audit the information are:

- Registration process
- Fee structure
- Prerequisites
- Training website

Each sub-component part of the template is collapsible under its respective key heading, so as to maintain readability.

Organisations which provided some form of governance training/education were classified according to a broad industry sector and arranged alphabetically, with each industry sector displayed on a separate sheet.

Broad Industry sectors are:

- Government sector
- Tertiary sector
- Registered Training Organisations
- Indigenous Organisations
- Non-Indigenous Organisations

Organisations in the Indigenous and non-Indigenous sectors were further classified according to entity type, which are:⁶

- Company Limited by Guarantee
- Proprietary Limited
- Association
- Individual/partnership

Cultural competence:

In governance training, 'cultural competence' means having rules, structures and/or processes that:

- are informed by an understanding of Indigenous people's own cultural traditions;
- embody the values and norms that are important to Indigenous people and communities; and
- attempt to reflect people's contemporary ideas about how knowledge transfer and training should occur.

⁶ See Glossary for some definitions of relevant terms.

Organisations registered as charities with the Australian Charities and Not-for-profits Commission (ACNC) were marked accordingly. Data were entered into each category, and boxes were marked N/A where not applicable, or TBA where information was yet to be obtained from the organisation in question.

Each mode of governance education and training was classified into the functional categories of 'community', 'corporate' and/or 'organisational' governance.⁷ For the purpose of audit analysis, these three categories are used broadly to capture a field or mode of governance. In reality Indigenous groups undertake many overlapping modes of governance, and service providers of training often attempt to cover a variety of such modes in their content.

Our focus on the category of 'community governance' training is on whether the provider is delivering place-based 'on-the-ground' training or education for a collective group (which may be a local community or set of connected regional communities).

Following the ICGP Report (2006) this report employs the phrase 'community' governance to refer to 'the complex set of relationships, cultural protocols, practices, responsibilities and understandings which inform community decision-making at a range of scales'. In this context, a 'community' is a network of people who perceives itself as having strong and lasting bonds based on webs of personal relationships, cultural connections and identities, networks of support, traditions, shared socioeconomic conditions, and common interests.

In this sense, the term 'community' can refer to:

1. A discrete geographic location: for example, a spatial territory or residential location such as a neighbourhood, city, rural town or district, an outstation or discrete remote settlement.
2. A 'community of interest' whose membership might be historical, voluntary or interest-based rather than geographic or culturally based.
3. A 'community of identity' whose membership might be cultural: for example, a clan, tribal group or urban group. Such a community might be residentially dispersed but nevertheless share a collective identity.
4. A political or administrative community: for example, a state, authority or a federation, a service population or electoral ward.

Community governance:

Community governance is the procedures and arrangements for working with, and on behalf of, people and groups at the local level to enable them collectively to:

- have a voice in identifying the needs of all members of the community;
- empower people to participate in having more influence and control over decisions affecting their lives;
- improve the quality of people's lives in the communities in which they live; and
- hold their representatives/leaders to local account.

⁷ While there are many types of governance, this report is limited to a discussion of community, corporate, and broad organisational governance.

However, communities are more than just interpersonal networks, residential locations or shared collective identities. They take on culturally-based patterns, roles, functions and structure. Usually communities are composed of diverse groups, competing interests and rights; but sometimes they may be reasonably homogenous. In Australia, there are many different kinds of Indigenous communities, including all of the above, and so there are diverse forms of community governance. This report employs the phrase ‘community governance’ to refer to the governance of categories 1-3 above.

Incorporation:

Incorporation is the legal process used to form a corporate entity or company. An incorporated organisation is a separate legal entity from its owners, with its own rights and obligations. Groups are incorporated under law (either state or federal) and report to the regulator responsible for their type of structure.

By contrast, an **organisation** is a group of people who structure themselves to work together over time to pursue shared goals and objectives, which they could not achieve easily as individuals. Organisations may be formal, and incorporated under Australian legislation; or informal, such as non-incorporated reference groups, advisory committees, working groups, and other communities initiatives.

Indigenous organisations are not all governed the same way. Legal incorporation under Australian legislation requires organisations to meet particular governance conditions, whereas when people initiate informal ‘non-incorporated’ ways of organising themselves to get things done collectively, they can determine their own governing arrangements and accountabilities. This important distinction is recognised by the different categories of ‘incorporated’ and ‘non-incorporated’ in the ‘organisation type’ column on the template

Many of the constitutions of Indigenous organisations are based upon standardised legal incorporation templates and government regulations that are often not well suited for their particular local, social or cultural circumstances and priorities. These regulations often focus on the financial and legal structure of an organisation, and the responsibilities and accountabilities of governing members and management. This report employs the phrase ‘corporate governance’ to refer to this particular area of governing practice within incorporated organisations. Training programs that assist incorporated organisations comply with formal legislative requirements were classified into the ‘corporate governance’ category.

Indigenous corporate governance must often be performed at the same time as other types of governance; for example, cultural modes of governance, and wider organisational governance. This report employs the phrase ‘organisational governance’ to refer to the broader overall arrangements by which an organisation (incorporated or non-incorporated) is governed, directed and controlled. The governance of an organisation rests upon the direction of the group of people who are recognised and s/elected by their nation or community as being the representatives with the right, responsibility and ability to govern on their behalf.

Corporate governance:

Corporate governance is the procedures and arrangements by which a legally incorporated organisation implements and complies with the relevant statutory rules and regulations under which it is incorporated so as to fulfill its legal and financial responsibilities. Frequently the focus of corporate governance is on the relationship between a company’s management, board and its shareholders.

Specifically, organisational governance refers to the rules, relationships, policies, systems and processes by which authority is assumed, exercised and maintained by s/elected representatives in an organisation. In practice, the concept of organisational governance is very broad and constantly expanding.

Organisational governance:

Organisational governance refers to the broad overall governance of an organisation: the rules, relationships, policies, systems and processes by which authority is exercised and maintained.

It is important to note the interconnections that exist between community, corporate and organisational governance, as well as how each mode of governance interacts with, and informs the other. The interconnected nature of each is indicated by the classification of some training programs as being relevant to all three forms of community, corporate and organisational governance.

Training programs that appeared to have structures and content in place to deliver culturally informed training were given a ‘cultural competence’ mark on the template. We define ‘cultural competence’ in governance training as having rules, structures, content and/or processes that:

- are informed by an understanding of Indigenous people’s own cultural traditions;
- embody the values and norms that are important to Indigenous people and communities; and
- attempt to reflect people’s contemporary ideas about how knowledge transfer and training should occur.

Importantly, AIGI has not assessed this indicator in the actual delivery of training programs, and so it should not be taken as a recommendation of better quality or standard.

2.2 The 'Short Form' Template

The short form template (Appendix B, see www.aigi.com.au) was designed to summarise information from the long form template, make it more easily accessible, and also to enable the identification of trends or gaps in the provision of Indigenous governance training and education.

Training organisations were classified according to industry sector and arranged alphabetically. A number of subcategories were developed and arranged in the following order:

- Training provider
- Governance content (community, organisational and/or corporate)
- Indigenous governance content (including cultural competence)
- Qualification
- Delivery mode
- Training type
- Target audience
- Fee
- Resources provided

Boxes were marked with the symbol ✓ where the relevant subcategory was applicable; left blank where not applicable; or marked with the symbol * where information was incomplete.

We posed the following questions in analysing the audit information:

- Are there patterns discernable in the provision of different forms of Indigenous governance training?
- Is there a tendency for certain industry types to provide certain forms of training?
- How available is financial support for each form of governance training?
- How available and accessible is tailored or customised governance training?
- What role does cultural legitimacy play in the provision of Indigenous governance training?
- Are particular groups within Indigenous society targeted more than others?
- What are the gaps in training provision?

Part 3. Findings

Several themes emerged from analysing the Australian audit data on Indigenous governance education and training.⁸ For the purposes of this report, discussion will focus primarily upon three broad themes that consistently emerged, namely: (i) the seemingly disproportionate provision of organisational and corporate governance training; (ii) the corresponding lack of culturally informed, tailored place-based governance training; and (iii) the disruptive impact of short-term funding arrangements on Indigenous governance and training.

3.1 Specific Observations

Before considering the broad themes that have emerged from the audit analysis, three specific observations are offered.

First, preliminary data indicate a slight tendency for certain industry sectors to provide particular forms of governance training over others. For example, the tertiary sector offers the highest rate of community governance training, with five out of five programs offering some form of collective governance training oriented to communities. Although, it is notable that most programs attract fees, are offered only in capital cities (and so are not place-based), and that this is a significantly small sample size. Indigenous organisations provide the next highest rate of Indigenous community governance training (10 out of 18 training programs). They also offer the highest rate of tailored options.

Registered Training Organisations:

RTOs are recognised as providers of quality-assured and nationally recognised training and qualifications.

Registered Training Organisations (RTOs) offer the highest rate of organisational governance training (36 out of 40 training programs), and the highest rate of corporate governance training is offered by non-Indigenous organisations (9 out of 14 programs). The tendency for every sector (except the tertiary sector) to provide more forms of organisational and corporate governance training than community or collective group governance training will be discussed in further detail below.

Second, in terms of financial support, preliminary data indicate that from a total of 49 training providers, the majority of (57%) offer training programs to Indigenous people with little or no fee, and 46% offer training on a fee-for-service basis.⁹ Fee-for-service training is mainly provided by organisations in the government and tertiary sector. Of 23 organisations that offer fee-for-service training, 13 offer Indigenous participants financial support to attend training; and are mainly from within the tertiary and RTO sector. Further research is necessary to gain a more comprehensive understanding of trends within industry sectors and the extent of financial and other resource support for particular types of governance training.

Fee-for-service:

The term 'fee-for-service' refers to mandatory, voluntary, or requested fees that a user pays for services provided by a non-profit organisation. These fees allow the organisation to generate revenue.

⁸ It is important to acknowledge that data are preliminary, as a number of training organisations did not respond by the deadline.

⁹ Percentages do not add up to 100% because some training providers offer training for a fee as well as training with little or no fee.

Third, preliminary data indicate that approximately half of the training organisations (27 from a total of 49) in most industry sectors have attempted to put structures in place to deliver culturally-informed training to Indigenous peoples and groups. Forms of cultural competence include, but are not limited to:

- supporting Indigenous learning styles on-country;
- working in partnership and/or in consultation with Indigenous communities;
- providing participants with Indigenous facilitators, teachers and/or mentors;
- respecting and reinforcing cultural protocols, practices and values; and/or
- establishing some form of Indigenous advisory board or reference group to help design and deliver the training.

3.2 General Themes

The discussion below paints a broad canvas rather than addressing the specificities of the findings, and provides an opportunity to consider the fragmented governance of Australian governments and how that adversely impacts upon the provision of funding for training and education.

3.2.1 Organisational Governance Training

The first theme to emerge from an analysis of the data concerns the disproportionate provision of organisational and corporate governance training on a national scale, in comparison to community-based governance training. Preliminary data indicate that from a total of 49 training organisations and 117 training initiatives, 90 programs (77%) have a focus on organisational governance; 56 programs (47%) have a focus on corporate governance; with 42 training programs (35%) having a focus on collective governance for Indigenous communities (see Appendix C: Short Form template).¹⁰

It is estimated that roughly around 8000 to 9000 Indigenous organisations are currently incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSI Act), the mainstream *Corporations Act 2001* (Cth) and a range of state and territory legislation (AIGI Toolkit; Bauman et al 2015:2). Some of these incorporated organisations have been established since the 1970s; others are very recent. They are established partly in response to external pressure, including government requirements for Indigenous groups to incorporate in order to obtain funding and to hold forms of land title and native title. But they have also been established directly in response to Indigenous need for critical services and infrastructure and also as mechanisms for asserting their own collective identities and political representation.

The proliferation of Indigenous organisations since the 1970s, as well as the changing wider governance environment within which they operate, more recently has been matched by governments' introduction of more stringent forms of compliance and accountability around the practical tasks of governing. This has noticeably increased the governance workload for Indigenous nations, communities and their organisations (ICGP Report 2006). Research suggests that many Indigenous

¹⁰ No distinction has been made between training with a primary focus on one form of governance training, and training where that form of governance training is just one component of a broader overall program. It is beyond the scope of this report to assess the scope of governance training beyond the listing of a particular module in a course description.

organisations spend too much time and energy on basic administrative tasks, leading to ‘a high cost of administration ... for little return’ (Bauman et al 2015:25; eds Hunt et al 2008; ICGP Report 2006:24). As such, there is an inevitable demand for targeted training to increase the capacity of Indigenous organisations to meet corporate and organisational governance requirements, in ways that meet both internal and external accountabilities.

However, training with an excessive or predominant focus on the ‘technocratic’ and compliance aspects of governance will always be limited in its ability to promote long-term improvements in Indigenous governance competencies (ICGP Report 2006:53; Smith & Bauman 2014:18). Reasons for this failure include that compliance-based governance training ‘serve government and corporate agendas rather than address[ing] how a community can take control of its affairs and build the future that it wants’ (anonymous cited in Bauman et al 2015:78). From this ‘developmental’ perspective, the disproportionate provision of corporate and organisational governance training can be seen to directly reflect the expectations and standards of the wider non-Indigenous governance environment, and in particular, the service-delivery agenda of governments within Indigenous Affairs. The AIGI-AIATSIIS report (2015:14) describes governments as tending ‘to impose and value a normative view of bureaucratic and corporate governance’ while disregarding ‘modes of governance which fall outside of prescribed models’ ‘partly because they are poorly understood’. In addition, the report (Bauman et al 2015:18) observes that:

...everyone in a small community has to work and live together – that has to be managed in a corporation, but what’s critical is the community base around the corporation – and that can often be where governance problems lie.

In other words, while there is a need for governance training to increase the capacity of Indigenous organisations to meet their corporate and organisational governance requirements, there is also a demonstrated need to move toward a broader understanding of governance within the education and training sector. Indeed, progress in delivering the latter may be undermined by the predominant focus on organisational and corporate governance. And conversely, training in areas of statutory/technical aspects of corporate governance may be much less effective if other aspects of cultural and community governance are not also addressed in training. Training based on a broader understanding of governance should be informed by the internal constituencies and rights of Indigenous community members, and should incorporate information about cultural institutions, accountabilities and skills as a *strength* for effective governance; not a problem. This more complete understanding of governance must also acknowledge the subtle interconnections and disconnections that exist between organisational, corporate and community governance, as well as how each mode of governance interacts with and informs the other (sometimes enabling; sometimes disabling effectiveness).

Moreover, the House of Representative Standing Committee on Aboriginal and Torres Strait Islander Affairs (2004:142) suggests that training with a focus on corporate and organisational aspects of governance is best undertaken ‘in a hands-on manner, through the use of mentors, rather than in a structured, formal learning environment’. The ICG Project strongly concluded that in order to be effective, governance training and education has to be place-based, practice-based, culturally informed and carried out over the longer term in a ‘developmental manner’; not via one-off workshops in distant locations.

However, these better practices are generally not reflected in the preliminary data from the audit. From a total 41 organisations that provide training with a focus on organisational and/or corporate governance, over three-quarters provide training in a relatively structured, formal learning environment; online and/or in the form of workshops, block study, home study, or conference settings. Less than one-third of these 41 organisations provide organisational and/or corporate governance training in a 'hands-on manner' through the use of mentors, On-Country Learning, workplace experience or support services, and always in combination with more formal learning methods (see Short Form template).

As such, the audit data support the recommendation that governance training initiatives should cover the broad range of topics covered in the AIGI Toolkit, including but not limited to: Understanding Governance; Culture and Governance; Getting Started; Leadership; Governing the Organisation; Rules and Policies; Management and Staff; Disputes and Complaints; and Nation Building and Development. In addition, this report recommends that training initiatives:

...address but [also] go beyond compliance competencies to include aspects such as decision-making, negotiation, consensus building, risk identification and conflict management. It should explore innovative solutions, utilise case studies and consider the application and sustainability of different governance practices. (Bauman et al 2015:84)

AIGI Toolkit:

The Toolkit is an online resource developed for Indigenous nations, communities, individuals and organisations searching for information to build their governance.

A more coordinated and collaborative approach by governments and their departments toward funding Indigenous governance capacity development is clearly required to ensure that training covers the wide range of competencies that have been shown to be necessary for effective Indigenous governance (Bauman et al 2015:84; ICG Project; Smith 2005). Further research should examine how such training approaches can be designed and implemented to promote governance competencies.

3.2.2 Tailored Governance Training

The second theme to emerge from an analysis of the data concerns the lack of culturally informed, adequately funded governance training, that is tailored specifically to the self-determined needs of Indigenous nations, communities and organisations. Preliminary data indicate that from a total of 49 training providers, as few as nine provide training which can be tailored to meet the general requirements of the group or organisation requesting it. Of these nine training providers, six claim to provide training which can be tailored to meet the cultural needs of Indigenous nations and organisations. Of these six training organisations, five offer culturally informed training to specifically suit Indigenous nations and communities, free of charge (see Appendix B: Short Form template).¹¹ In other words, culturally-informed training is still largely missing from the governance training providers' portfolio.

¹¹ It is notable that no tailored training options are offered by the government sector, and that most culturally informed, tailored options are provided by the Indigenous sector.

Importantly, when interviewed for this audit via phone and email, the majority of providers were in fact not specific about how their training could actually be tailored to meet the needs of Indigenous nations and organisations. However, research indicates that approaches to Indigenous governance training where recipients are presented with ‘this is what you get’ and without consultation can cause resentment, lack of trust and arguments within Indigenous nations and organisations (Bauman et al 2015:105). As such, this audit report supports the recommendation for more:

...practical resources and training to account for cultural diversity, levels and kinds of competencies, and sectoral or subject-specific requirements. [This training] also need[s] to be tailored to existing assets, capabilities, local Indigenous priorities and the broader governance environment of legislative and policy requirements, all of which need to be mapped prior to their design and development. (Bauman et al 2015:xxi)

Governance is a cultural construct where the standards of what is considered ‘effective’ and ‘legitimate’ vary according to a diverse array of values and ideologies (AIGI Toolkit 2017a; ICGP Project 2006:40). As such, there is a need for training programs to be customised to suit the needs of the recipient community through ‘strategic conversations’ about what kind of governance support is required, and for whom (AIGI Toolkit 2017a; Bauman et al 2015:77; eds Hunt et al 2008). Leah Armstrong (cited in Smith 2012:17) suggests this kind of conversation should not only occur at the beginning or the end of governance initiatives; but should be ongoing and respond to changing development aspirations: ‘we need to make sure there is constant renewal and rethink about governance’. Tailoring effective training programs will require identifying and building upon existing governance strengths and capacities, as well as learning from past failures, and should be determined by the community (Smith 2012:16). For example:

Saying you will tailor something to a community, well that’s suggesting you know what the community wants. Or, do you make your tools flexible – and built into the tool is that at a certain point you need to establish the community’s cultural practices and priorities. (anonymous cited in Bauman et al 2015:77)

At the same time, tailored training options must be able to account for the diversity and complexity of Indigenous peoples and cultures, without the ‘ossification’ of cultural practices and institutions (Bauman et al 2015:xxi). Further research is required to examine how governance training initiatives can be made flexible, with in-built mechanisms to identify and work with communities’ cultural practices and priorities.

3.2.3 Funding Arrangements

The third theme to emerge from an analysis of the data concerns the Australian State’s governance of training and capacity building programs and policy within Indigenous Affairs. In particular, the audit confirms existing literature that there is a disruptive impact from providing multiple program buckets of short-term funding for Indigenous governance education and training. While the audit did not tabulate specific information about government and non-government funding for programs, training providers themselves frequently initiated discussion with the researcher about the instability of funding and other negative consequences caused by short-term funding cycles.

The ICGP Report (2006:4) observed that ‘the impact of external players, particularly government agencies, on the effective functioning of Indigenous organisations cannot be overstated’. Indigenous organisations often rely upon external funding models to (re)build their governance structures and capabilities, and a lack of support from government can undermine effective governance structures within Indigenous organisations (ICGP 2006:4). While state/territory and federal governments may aim in theory to adopt a flexible approach toward Indigenous governance building, the short-term nature of electoral cycles and documented departmental territorialism makes this extremely difficult in practice. External policy and funding changes linked to electoral cycles can disrupt the foundations of effective Indigenous governance, including the capacity of Indigenous organisations to plan, conduct research, develop and maintain leadership, comply with institutional requirements, and provide ongoing governance training to governing members. Funding uncertainty can also disrupt working relationships between Indigenous organisations and governments, with negative impacts for Indigenous-led governance initiatives and other successful government-funded programs (Bauman et al 2015:108; ICGP Report 2006:48). Research suggests that constant changes in government programs and policies will continue to affect the ability of public service staff to support effective Indigenous governance initiatives, as ‘constant changes to staff in government departments means that initiatives get lost, including relationships and champions and advocates of specific policies’ (Bauman et al 2015:106).

As such, this report supports the ICGP Report recommendation that state/territory and federal governments focus on building their own governance capacity to work with Indigenous communities and nations. This would involve developing a renewed focus on enabling Indigenous peoples to determine their own governance solutions, and the critical need to move from short-term funding cycles towards long-term investments in governance education, building Indigenous governance capital and supporting Indigenous governing boards. Further research is required into the Australian State’s governance of Indigenous Affairs, including funding cycles and how this influences and intersects with provision of training and education for Indigenous governance (Smith & Bauman 2014:7).

Given that such recommendations have appeared in countless previous reports, the inability of governments and other industry sectors to coordinate and provide more sustained funding for Indigenous governance training may need to be replaced with a stronger focus by Indigenous communities and nations themselves on creating their own governance training units, providers and related curricula, and seeking philanthropic and other non-government funding for those purposes. Reliance on government funding can create pressure for Indigenous governance initiatives to focus on externally imposed government agendas, rather than working toward their own needs and aspirations.

Governance capital:

The combined forms of human, social, cultural, infrastructure and resource capital which are required to achieve effective and legitimate governance in Indigenous communities today.

Interestingly, the AIGI analysis of *Indigenous Governance Awards*’ applications indicates that Indigenous incorporated organisations are moving increasingly to diversity their funding away from reliance on governments. Reliance on government funding can create pressure for Indigenous governance initiatives to focus on externally imposed government agendas, rather than working toward their own

needs and aspirations. AIGI (2016:5) details several methods of income diversification, including developing mixed funding models and new external partnerships, identifying additional revenue streams, revising fundraising strategies and exploring new forms of investment. Further research is required to identify methods and resources to support Indigenous-led governance training initiatives.



Conclusion

To conclude, this report is offered as a work in progress to provide an informative snapshot of providers and possible trends in the provision of Indigenous governance training and education across Australia. This has involved analysis of a limited audit conducted by the Australian Indigenous Governance Institute in response to the recommendations of the second Common Roots, Common Futures workshop held in Brisbane, March 2017. The report has drawn attention to three themes emerging from the audit, all of which provide an opportunity to reflect upon the kinds of training offered, as well as on the ways in which Australian governments are approaching this area of education in the Australian context. These themes broadly support the findings and recommendations of the ICG Project research and reports, the AIGI Toolkit and the Report published by AIATSIS and AIGI in 2015.

First, in response to the disproportionate provision of organisational and corporate governance training, this report recommends the development of a more coordinated national approach toward funding Indigenous governance training. Further research should examine the practicalities of such an approach, as well as how it can be designed to promote governance competencies around the fullest extent of organisational, corporate and community governance needs.

Second, in response to the lack of adequately funded, culturally informed, tailored governance training, this report recommends that additional training of this kind be designed to account for the diversity and complexity of Indigenous cultures and modes of governance. Further research is required to examine how training to support governance (re)building initiatives can be made flexible, with in-built mechanisms to identify and work with communities' cultural practices and priorities.

Third, in response to the disruptive impact of short-term government funding arrangements, it is recommended that state/territory and federal governments build their own capacity to work with Indigenous communities especially in respect to training programs. Conversely, the audit supports the trend for Indigenous nations and organisations to work toward economic independence and sustainability of their own governance training and education initiatives by pursuing methods of income diversification. Further research is required into the Australian State's governance of Indigenous Affairs, particularly in terms of funding and policy constraints that impact adversely on training and education.

Throughout this report, the audit analysis has emphasised the need for further longitudinal and collaborative research into training and education for Indigenous governance (re)building initiatives. Further research is necessary to gain a more comprehensive understanding of Indigenous governance education and training provision across Australia, as well as in other CANZUS countries. However, research is not impact neutral, and Indigenous nations and organisations must have the ability to host and invest in the research process (Bauman et al 2015:53). Relevant publications and reports could usefully be uploaded onto institutional databases and shared in order to provide Indigenous peoples with more informed options about professional development and capacity-building for governance, as well as to enable international comparisons of the broader trends, better practice and outcomes.

Finally, the themes that have emerged from the audit appear to reflect the broad political retreat by Australian governments from Indigenous self-determination; away from the transfer of genuine political and economic decision-making power to Indigenous peoples, toward a more limited service delivery, self-management agenda. This report emphasises that improved governance by Indigenous peoples and organisations is the most effective way to achieve improved outcomes *for* Indigenous peoples; and that will necessitate designing and providing improved governance training and education. This means government and non-government sectors continue to have an important role to play in contributing to the provision of effective governance training support and resources. But that this role should be framed within a recognition that genuine self-determination starts with Indigenous peoples being able to take control, assert their own agenda, and get things done by employing their own assets and capabilities.



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Glossary

Capacity

'The combination of people's skills, institutions, resources, organisational abilities, powers and practices that enables them to reach their own goals over time. Capacity may be individual and collective' (AIGI Toolkit 2017b).

Capacity development

'The process by which individuals, groups, organisations, institutions, societies and countries develop their abilities, individually and collectively, to perform functions, solve problems, set and achieve objectives, and understand and deal with their development needs in a broader context and in a sustainable manner' (Smith 2005:1).

Charity

A charity is a type of not-for-profit organisation that has charitable purposes for the public benefit. A charity cannot be an individual, government entity or political party.

Community

A 'community' is a network of people and organisations linked together by a web of personal relationships, cultural connections and identities, networks of support, traditions, shared socioeconomic conditions, and common interests. The term 'community' can refer to:

1. A discrete geographic location; for example, a spatial territory or residential location such as a neighbourhood, city, rural town or district, an outstation or discrete remote settlement.
2. A 'community of interest' whose membership might be historical, voluntary or interest-based rather than geographic or culturally based.
3. A 'community of identity' whose membership might be cultural; for example, a clan, tribal group or urban group. Such a community might be residentially dispersed but nevertheless share a collective identity.
4. A political or administrative community; for example, a state, authority or a federation, a service population or electoral ward.

But communities are more than just interpersonal networks, residential locations or shared collective identities. They take on social patterns, roles, functions and organisational structure. Usually communities are composed of diverse groups, competing interests and rights; but sometimes they may be reasonably homogenous.

Community governance

Community governance is the procedures and arrangements for working with, and on behalf of, people and groups at the local level to enable them collectively to:

- have a voice in identifying the needs of all members of the community;
- empower people to participate in having more influence and control over decisions affecting their lives;
- improve the quality of people's lives in the communities in which they live; and
- hold their representatives/leaders to local account.

Company limited by guarantee

A company limited by guarantee is a specialised form of public company designed for non-profit organisations. In Australia companies limited by guarantee are subject to the Corporations Act 2001 (Cth) and administered to by the Australian Securities and Investments Commission (ASIC).

Corporate governance

Corporate governance is the procedures and arrangements by which a legally incorporated organisation implements and complies with the relevant statutory rules and regulations under which it is incorporated so as to fulfill its legal and financial responsibilities. Frequently the focus of corporate governance is on the relationship between a company's management, board and its shareholders.

Cultural competence

In governance training, 'cultural competence' means having rules, structures and/or processes that:

- are informed by an understanding of Indigenous people's own cultural traditions;
- embody the values and norms that are important to Indigenous people and communities; and
- attempt to reflect people's contemporary ideas about how knowledge transfer and training should occur. (AIGI Toolkit 2017b).

Development

'Change or transformation that makes life better in ways that people want. From this viewpoint, development can take a variety of forms, from growth in traditional subsistence activities to increased participation in market economies, from Indigenous-citizen entrepreneurship to joint ventures with non-Indigenous corporations, from collective nation, community and clan enterprises to small individual and family cottage industries' (Dodson 2012:2).

Economic development

'Economic development refers to the ability of Indigenous nations to support themselves: to sustain self-governance and to provide their citizens with the opportunity to live productive, satisfying lives' (Dodson 2012:2).

Governance

'The evolving processes, relationships, institutions, and structures by which a group of people, community, or society organises itself collectively, negotiates its rights and interests, get things done, and make decisions about:

- How they are constituted as a group (who are members and who are not)
- How they manage their affairs and negotiate with outsiders
- Who has authority within the group, and over what
- The development of rules to ensure authority is exercised properly and their decision-makers are held accountable
- How to enforce the decisions they make
- Arrangements that will enable them to achieve their goals' (ICGP 2006:1)

Governance capital

'The combined forms of human, social, cultural, infrastructure and resource capital which are required to achieve effective and legitimate governance in Indigenous communities today' (ICGP 2006: 95).

Governance development

'The processes by which people, organisations and groups as a whole, develop their abilities to do the collective and individual job of governing. That includes performing governing functions, designing institutions, structures and processes, solving problems and disputes, setting and achieving objectives, and understanding and dealing with their own development needs in a broader context and sustainable way' (Smith & Bauman 2014:9).

Governance environment

'The broader external political, legal, policy, institutional and economic context within which a nation, community or organisation carries out its own governance functions. This environment operates at several levels, including local, community, state, national and international levels. Each different part of the wider environment has its own sets of governance rules, values and ways of getting things done, which can influence how a group or organisation operates' (AIGI Toolkit 2017b).

Governance of government

'The nature, strategies and consequences of government's own modes of governance in Indigenous Affairs, including its changing power, policy, service delivery and funding institutions and goals across different jurisdictional levels' (Smith & Bauman 2014:16).

Governance structure

'A 'structure' is something made up of a number of parts that are held or put together in a particular way. So a governing structure is the particular way that interrelated powers, decision-making roles, responsibilities and rules are arranged and put in place to support the running and accountability of a community, group or governing body or organisation' (AIGI Toolkit 2017b).

Government

The jurisdictional authority that rules a country, nation, community or state, through delegated powers, policy and regulations or laws. In Australia, government draws its authority from the Australian Constitution and a mandate from the nation's citizens as a parliamentary democracy. Australia's mainstream system of government has three levels: federal (or Commonwealth), state or territory, and local government.

Aboriginal and Torres Strait Islander people have ancient jurisdictions of traditions and laws that operated effectively as governments, but which currently have no legal or treaty recognition, or devolved status under Australian common law or constitution. 'Nation rebuilding' encourages Aboriginal and Torres Strait Islander nations to act in self-determining ways, like governments. (AIGI Toolkit 2017b).

Incorporated organisation

'Incorporation gives your group its own legal identity (the group becomes a 'separate legal entity' from its members). The group can enter into contract, sign a lease, employ people, and sue and be sued. Incorporated groups are incorporated under law (which can be either state or federal) and report to the regulator responsible for their type of structure ... Incorporated groups follow a particular structure, with group rules (or constitution), members, and a governing body (often called a board or committee)' (NFP Law 2017).

Incorporation

Incorporation is the legal process used to form a corporate entity or company. An incorporated organisation is a separate legal entity from its owners, with its own rights and obligations. Groups are incorporated under law (either state or federal) and report to the regulator responsible for their type of structure.

Intercultural

'Relating to two or more different cultures that are closely intertwined and interact. This is a space of close contact and emerging relationships between cultures. It may include interaction between the cultural rules, standards, laws and systems they have in place. Intercultural contact may be positive and constructive, or mutually confusing and antagonistic' (AIGI Toolkit 2017b).

Nation

'A group or community of people who share a common language, culture, ethnicity, descent or history. A nation may share a single common territory with physical boundaries and government, or it may be located as a nation within another larger nation. A nation does not rely on legislated or treaty recognition, although that greatly enhances its jurisdictional and decision-making power' (AIGI Toolkit 2017b).

Non-incorporated organisation

'A more informal group of people who unite to get specific things done together, and who deliberately choose not to go down the road of legal incorporation—such as an assembly, alliance or volunteer organisation ... In informal organisations, people decide for themselves what kind of governing structure, positions and processes they want to have' (AIGI Toolkit 2017c).

Organisation

An organisation is a group of individuals who come together to achieve agreed objectives that might otherwise be unattainable. In order to continue to do this over time, groups adopt enduring roles, functions, procedures and rules that give structure and function to their organisation. Sometimes this involves becoming legally incorporated under Australian legislation, but organisations may also be more informal; for example, non-incorporated reference groups, advisory committees, working groups and task forces.

Organisational governance

AI GI understands organisational governance as the overall arrangements by which an organisation (incorporated or non-incorporated) is governed, directed and controlled. The governance of an organisation rests under the direction of the group of people who are recognised and elected or selected by their nation or community as being the group of people with the right, responsibility and ability to govern on their behalf. Specifically, organisational governance refers to the rules, relationships, policies, systems and processes by which authority is exercised and maintained by this group of people in an organisation. In practice, the concept of organisational governance is very broad and constantly expanding

Proprietary Limited company

Proprietary limited is a type of private company that has not offered its shares to the general public.

Self-determination

'Indigenous peoples' assumption of real decision-making power and responsibility for what happens on their lands, in their communities, in their governing systems, and in their development strategies' (AI GI Toolkit 2017b).

For more terms and definitions please visit the AI GI website at <http://toolkit.aigi.com.au/glossary>.





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The Australian Indigenous Governance Institute and the National Centre for Indigenous Studies acknowledge the Traditional Owners of country throughout Australia, and recognise their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to their Elders both past and present.