

Decision-making guides for RNTBCs

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Effective decision-making is essential to strong governance. It can go a long way to reducing the negative impacts of disputes. Registered Native Title Bodies Corporate (RNTBCs) and their staff and members occupy a legally complex decision-making space in holding and managing native title rights and interests. The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) is providing advice and a template on how to develop a decision-making guide for your corporation.

In 2018, AIATSIS and the Taungurung Clans Aboriginal Corporations (TCAC, now Taungurung Land and Waters Council (TLaWC)), developed the Taungurung decision-making guide for their directors and members who are the Traditional Owners of Country in Central Victoria. This tailor-made guide considers decision-making issues and responsibilities under the *Traditional Owner Settlement Act 2010* (Vic) and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSI Act).

In evaluating the Taungurung decision-making guides TLaWC CEO Matt Burns praised them as

'...a resounding success. They are posted on the TLaWC website, available at every TLaWC board meeting and regularly used and referred to in difficult discussions. They are regarded as something of genuine value in guiding corporation decisions and as a product of which TLaWC can be proud.'

Taungurung people wanted the guide to be of use to other Indigenous corporations including RNTBCs. In 2021, a revised draft guide was partly trialled with Barengi Gadjin Land Council Aboriginal Corporation RNTBC to begin to tailor the guide to RNTBC decision-making requirements under the *Native Title Act 1993* (Cth) (NTA) including recent amendments and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth). A draft of the guide was also discussed during the AIATSIS Summit in Adelaide in June 2021.

Since then, the guide has been subject to comment from a number of experts and is undergoing additional revisions. Ultimately the guide will also have to account for changes to the CATSI Act once the CATSI Act Amendment Bill is passed.

The guide contains practical information on:

- compliance and legal requirements
- decision-making for directors, board, members and common law native title holders
- separation of powers
- conflicts of interest
- cultural governance
- facilitating meetings
- building agreement and dispute management

Ultimately, the process of developing a decision-making guide should be an exercise in supporting a group's cultural priorities, and building governance, capability, relationships and goodwill for the directors, members and staff of corporations. Step-by-step suggestions about how to do this are included in a 'How to develop a decision-making guide' document which accompanies the guide itself.

Once finalised the guides will be available on the AIATSIS and the PBC website



Taungurung Decision making guides. Photo: Christiane Keller