



The Two-way Governance Resource

Section 2: What is governance? Presentations 4 - 11

SECTION TWO

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- **Presentation 5** how the Western political system developed.
- **Presentation 6** how the Western system of governance came to be in Australia.
- **Presentation 7** how the Australian Parliament was set up.
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Australian Government

Department of Families, Housing,
Community Services and Indigenous Affairs



**NINTI ONE INNOVATION
FOR REMOTE
AUSTRALIA**

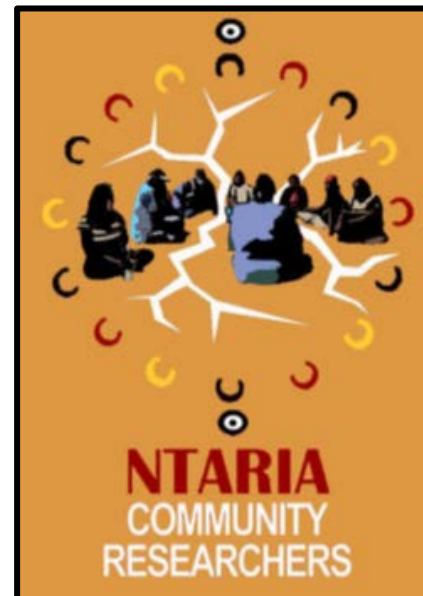
Cover photograph © Judith Lovell 2012

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Presentation 4



Two Way Governance Resource

What is governance?

Governance helps people live and work together as a society.

It is about:

- How people make decisions and laws and who does it
- How they keep the laws and carry out the decisions

Governments, councils, businesses and organisations use governance in different ways but they all have to work within their rules and the laws of Australia.



Aboriginal governance is what makes Aboriginal societies work. It has its own sets of rules, including:

- How you look after country with ceremony and practice
- Who looks after country and gets the benefits
- Who is boss for what
- How you look after family and kin

The Aboriginal Land Rights Act says all decision-making about country rests with Traditional Owners.

These rules have been handed down from generation to generation over thousands of years, not through books or written laws.

Land Councils have to accept the wishes of Traditional Owners about what happens to their country. No organisation will make decisions about country unless the Traditional owners say they can.



Grandmother with granddaughter at Apmeraiye Ingerreke 2008



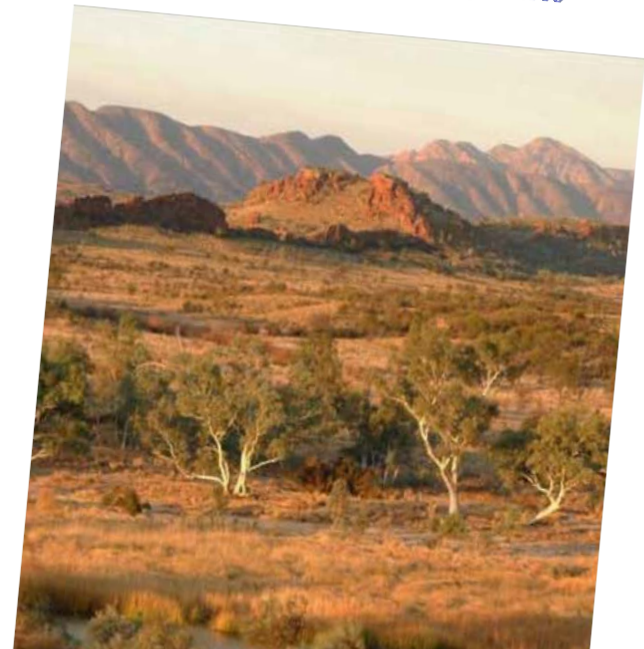
Smoking ceremony at the opening of the Nerinjeke Arts Gallery 2012

Two-way governance is about respecting both Aboriginal and Western knowledge and using them both to make good decisions.

Two-way governance works best in communities, organisations and governments where Aboriginal people are directly involved with other people in making policy, laws and decisions and in carrying them out.



West MacDonnell (Tyurretye) National Park
Draft Joint Management Plan August 2009



Joint management of National Parks, and more recently the creation of Indigenous Protected Areas on Aboriginal land, shows how Aboriginal knowledge is the foundation of good land management. The Aboriginal knowledge meets western scientific knowledge to support culture, families and the environment at the same time.

Presentation 5

Cultural history

The demands of complex technology may have pushed human culture to accelerate, though it seems to have evolved not steadily but in leaps and bounds

©NewScientist



How western governance came to be

Political organisation has widespread cultural roots. The form we have today is thought to have started when hunter-gatherer people first began to farm and live in settled communities.

They might first have had clan leaders and elders to make their societies work. Then chiefs and kings started to appear.

Over time, people wanted to be part of a system of government that was the same for everybody.

It took thousands of years for democracy as we know it to emerge.

The Western style system we have today is very new in history.

Democracy became the way of government in Britain (where it is known as the Westminster system), the United States of America, France and many other countries.



Although parliaments have different names in some countries, the system is based on the same idea. People vote for representatives. The representatives make laws to help people live peacefully together, make business work and pay their taxes to support the country.

The Constitution set up the basis of the legal system, giving power to the High Court. It also gave parliament the power to set up other courts, like the Federal Court.

Because money and trade (business) were important for Australia's development, the Constitution said trade between the States should be free. In other words, one State couldn't tax goods or resources coming from another.

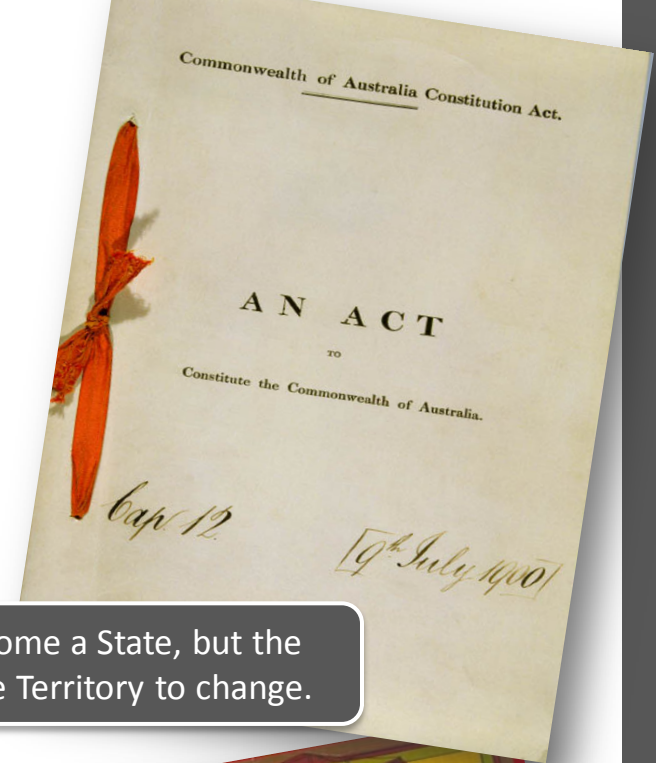


Parliament also gave the Commonwealth Government the power to make financial grants to the States.

The Constitution set up the States. It says that if State law isn't consistent with federal law, the federal law would sit on top of it.

It also allowed for new states to be created.

No new States have been created since federation. The NT is hoping to become a State, but the Constitution says it needs a majority of votes in favor from the people of the Territory to change.



Two Way Governance: Presentation 5



The original 1901 Constitution didn't recognise Aboriginal people at all. All it said was that Aboriginal people could not be counted in the Census. This was changed after a long campaign by Aboriginal people and their supporters in 1967.

There have been 44 tries to change the Constitution and only 8 have succeeded.

It takes a majority of votes in every State and a majority nationally.

Northern Territory citizens only got the power to vote in referendums in 1977.

Being counted in the Census meant Aboriginal people were recognised as Australian citizens who were entitled to the same benefits, rights and responsibilities as other Australian citizens.



Some Constitutions internationally have a Bill of Rights, which says very clearly what a citizen's rights are.

Australia does not have one.

The only Aboriginal right that is recognised is land rights in the Northern Territory.

This and the support you need to change the Constitution makes it tough for Australia to recognise Indigenous rights.



Presentation 6



Two Way Governance Resource

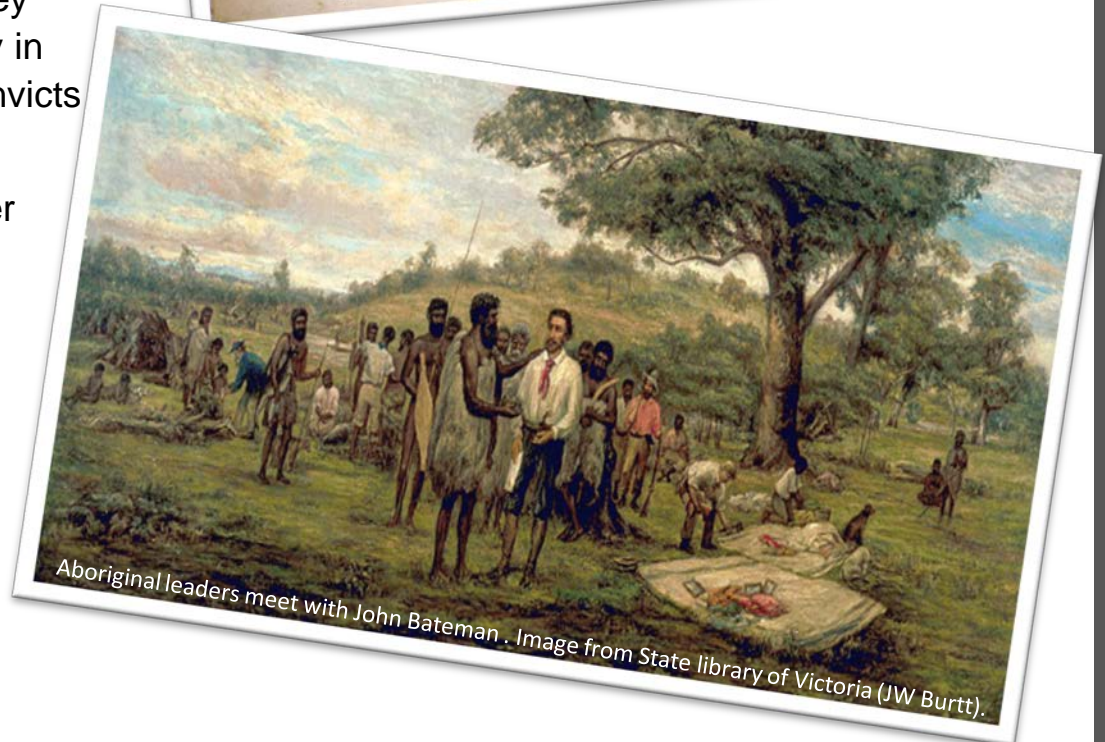
How western governance came to be in
Australia

How western governance came to be in Australia

The words and ideas about Western governance came to Australia after the English people began to colonise the country by moving Aboriginal people off their lands.

Eighteen years after Captain Cook first visited Australia in 1770 the First Fleet arrived at Botany Bay in 1788. They brought the British Army and Navy in ships carrying prisoners called convicts to set up a prison colony.

The Governor ran the colony under direct orders from the British Parliament.



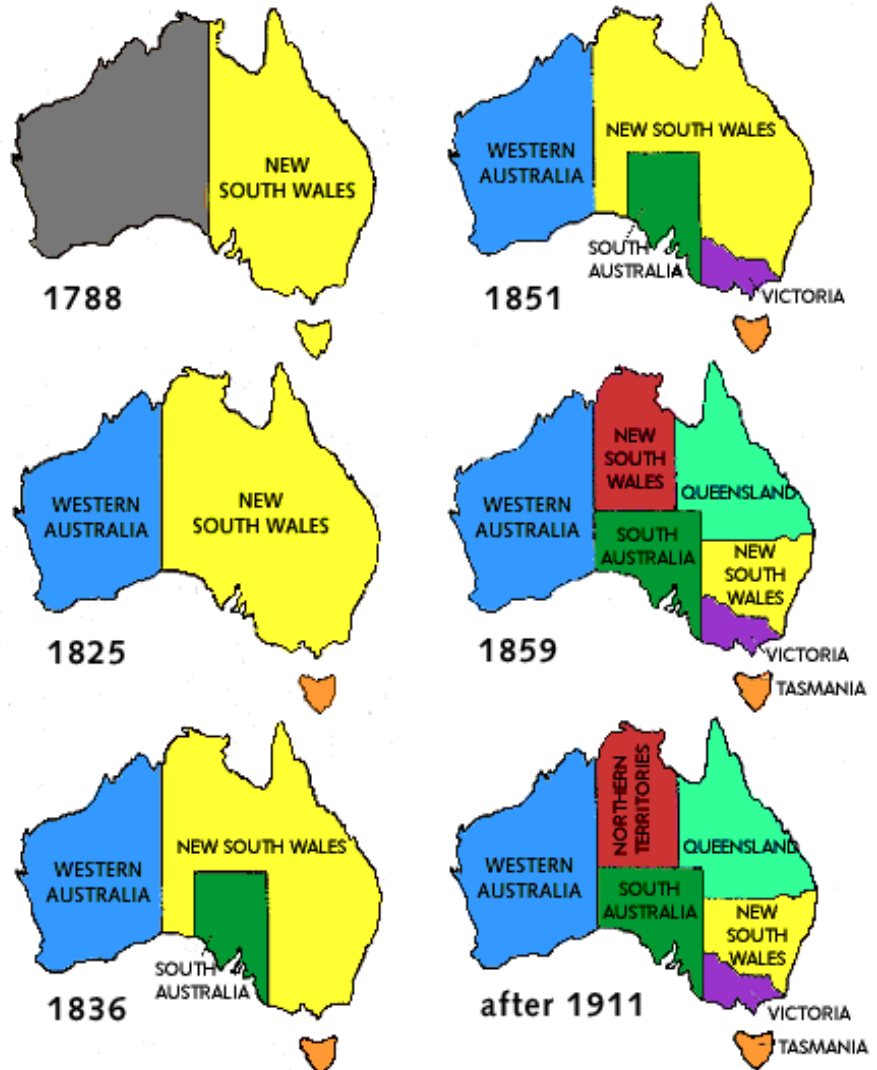
As the little prison colony grew, the settlements took up more and more Aboriginal lands. The newcomers created six separate colonies. Each colony worked like a small country of its own.

The colonies were called New South Wales, Western Australia, Queensland, Victoria, South Australia and Tasmania.

Each had its own Governor and eventually its own Parliament. That meant there were always arguments about things like taxes for goods and resources going between the colonies.

Who could VOTE in the colonies?

In 1843 at the first parliamentary elections in Australia; for the New South Wales Legislative Council - only European men with a land freehold valued at 200 pounds or a householder paying rent of 20 pounds per year could vote.



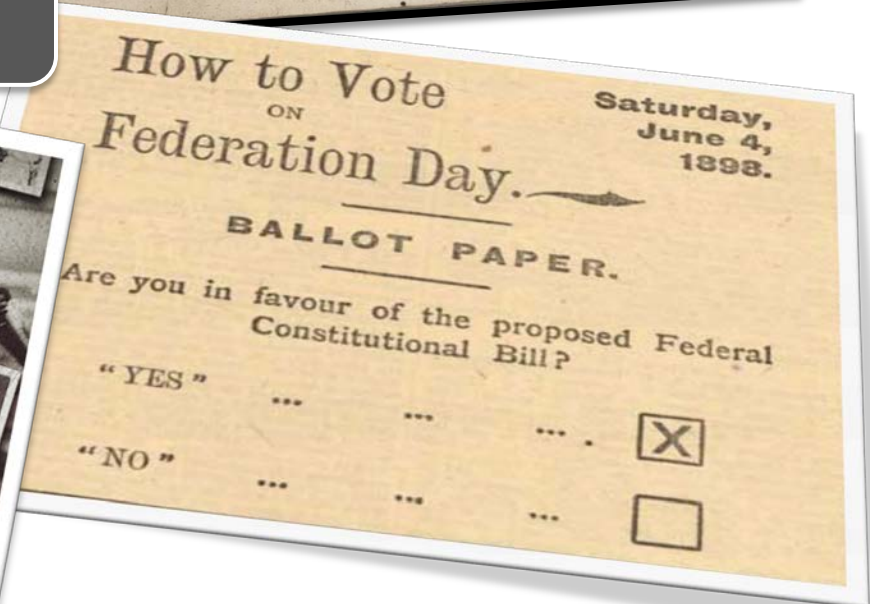
In 1901, the colonies united as a Federation. This brought them together under a national government, which they called the Commonwealth Government.

The new governance body was called the Parliament of the Commonwealth of Australia.

The colonial parliaments then became known as State Parliaments.



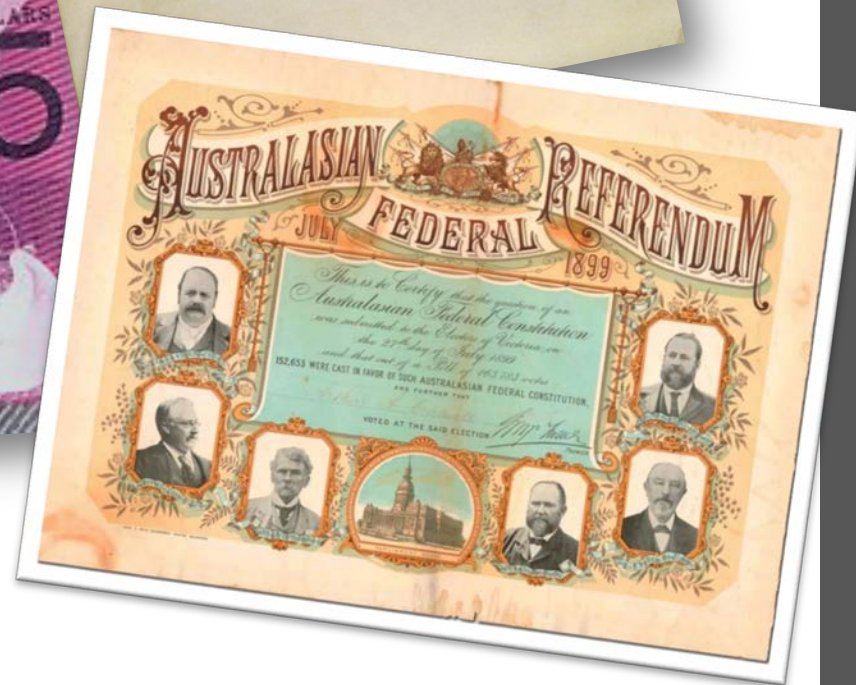
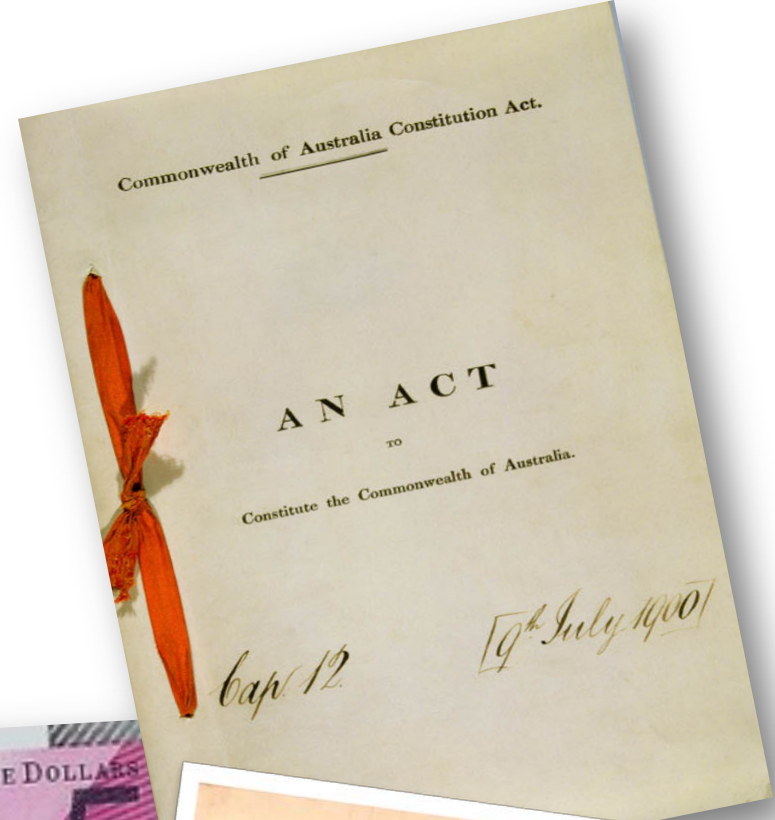
In 1895 Women over 21 were given the right to vote in South Australia. This was the first time Australian women were able to vote



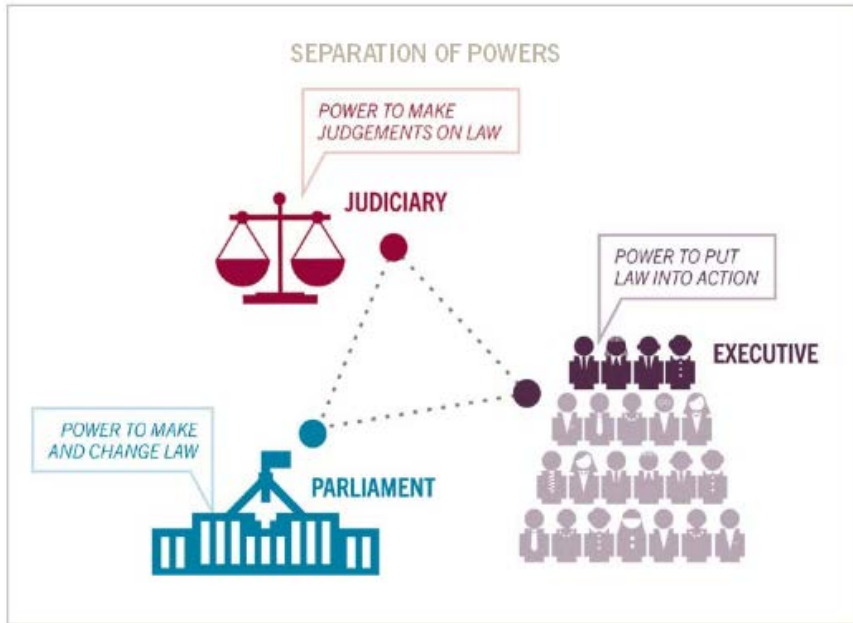
Before they could unite, the States had to agree on a set of rules for how the new country would operate – a constitution.

Led by Sir Henry Parkes, the Premier of the Colony of NSW, the six state premiers met in 1895 and set up a Constitutional Convention.

The Convention met for a full year between 1897 and 1898 to decide what the Constitution should be and how Australia should be governed.



Presentation 7



The Constitution and Parliament

The Constitution set up the Parliament of Australia and described its powers. The constitution was accepted by the British Parliament in 1900 and became an act in the Australian Parliament in 1901.

Parliament would include:

The sovereign (the King or Queen of England), represented by the Governor-General; The House of Representatives; and The Senate.

It said that the House of representatives should be twice the size of the Senate.

The word 'Parliament' comes from an old word meaning 'to speak'. It's a speaking place where people who are elected get together to make laws that will help our society work.

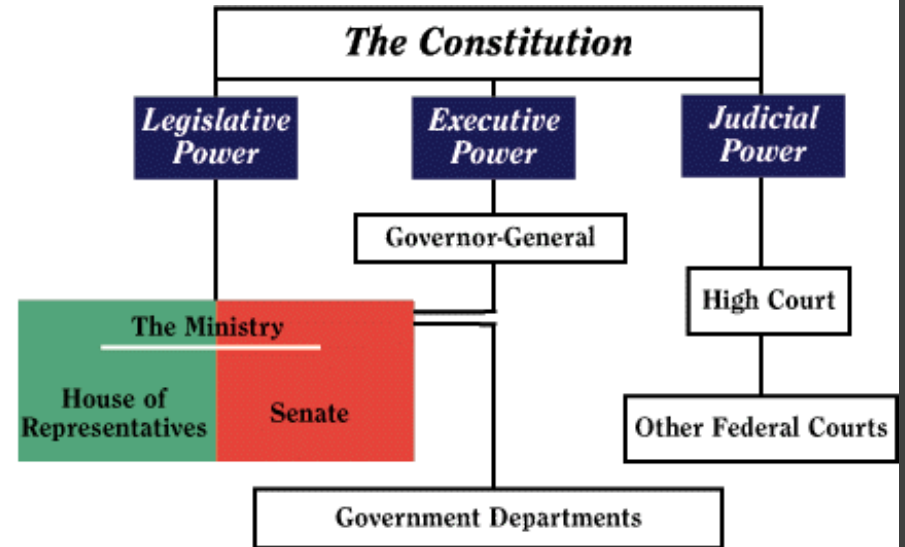


Source: Parliamentary Education Office (www.peo.gov.au)

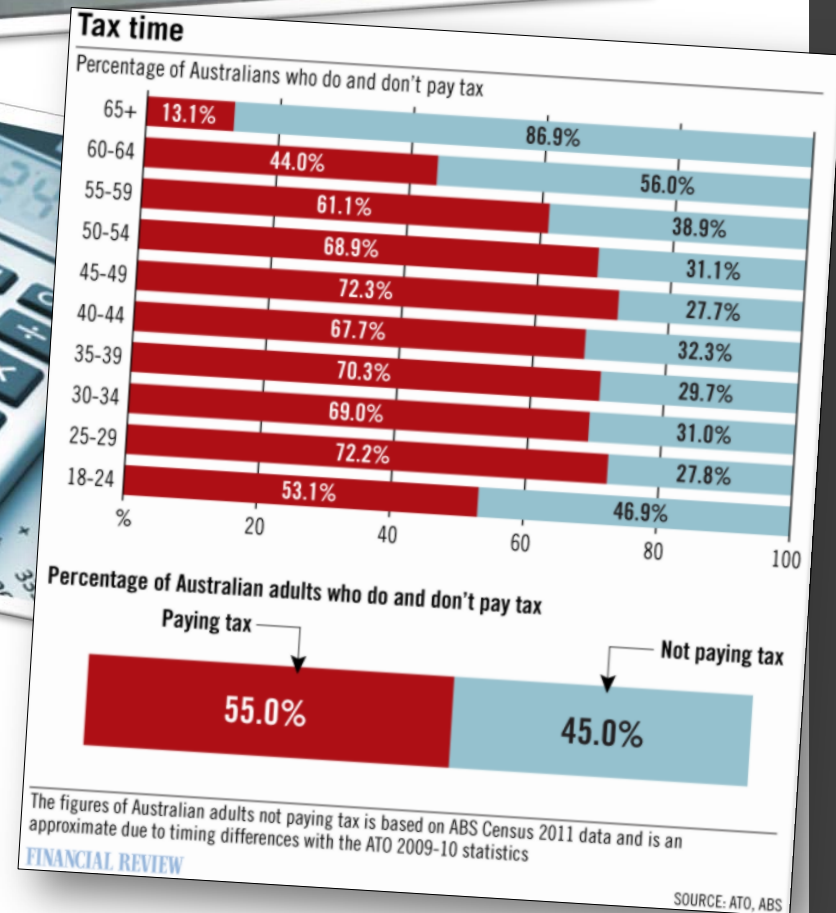
Parliament also set up:

The executive branch of government, which is the Governor-General.

The Governor-General is advised by the Government.



Because money and trade (business) were important for Australia's development, the Constitution said trade between the States should be free. In other words, one State couldn't tax goods or resources coming from another. Taxation (tax) is one way Governments raise the money they need to provide services .



The original 1901 Constitution didn't recognise Aboriginal people at all. All it said was that Aboriginal people could not be counted in the Census. This was changed after a long campaign by Aboriginal people and their supporters in 1967.

The Constitution also says how it can be changed. There have been 44 tries to change the Constitution and only 8 have succeeded.

It takes a majority of votes in every State and a majority nationally.

Northern Territory citizens only got the power to vote in referendums in 1977.

Being counted in the Census meant Aboriginal people were recognised as Australian citizens who were entitled to the same benefits, rights and responsibilities as other Australian citizens.

CHANGING *the* AUSTRALIAN CONSTITUTION

The Australian Constitution can only be changed with the support of the majority of Australian voters and a majority of voters in at least four states.



SCENARIO ONE CHANGE THE CONSTITUTION

- ✓ Majority of Australian voters
- ✓ Majority of voters in at least four states



SCENARIO TWO DON'T CHANGE THE CONSTITUTION

- ✗ Majority of Australian voters
- ✓ Majority of voters in at least four states



SCENARIO THREE DON'T CHANGE THE CONSTITUTION

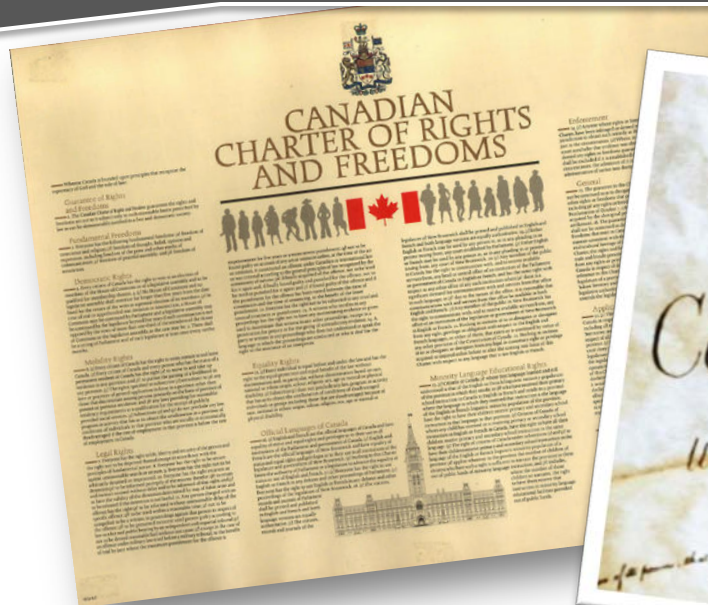
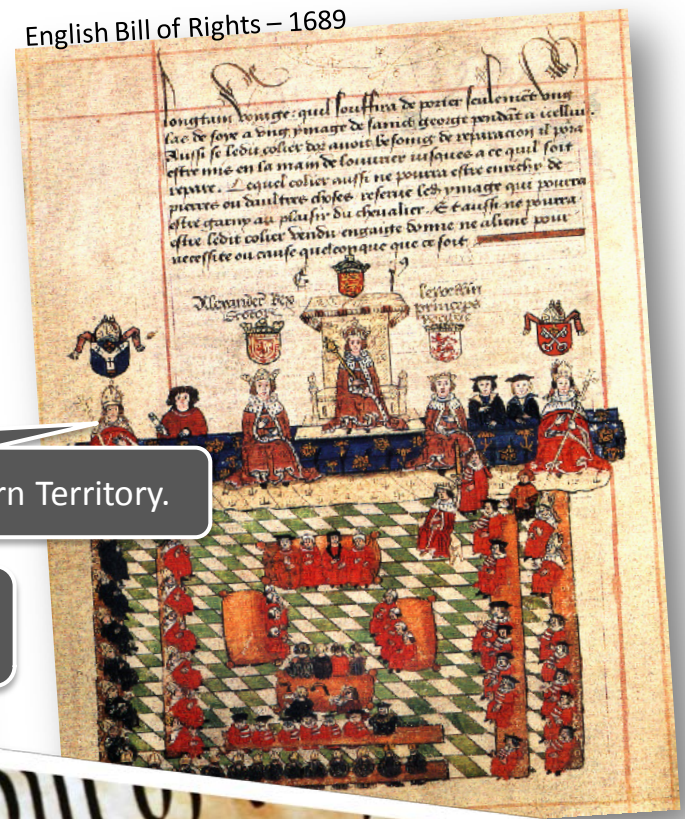
- ✓ Majority of Australian voters
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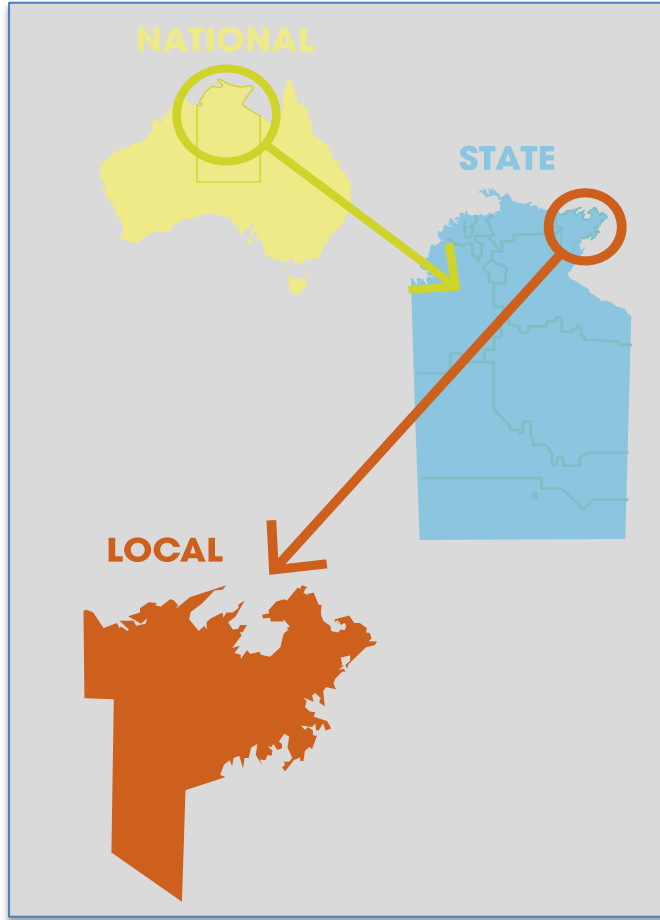
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Presentation 8



Two Way Governance Resource

How governance works in the three levels of government in Australia

Australia has three levels, or tiers, of government:

Closest to the people **is local government**, which covers Shire Councils, Town Councils and City Councils.

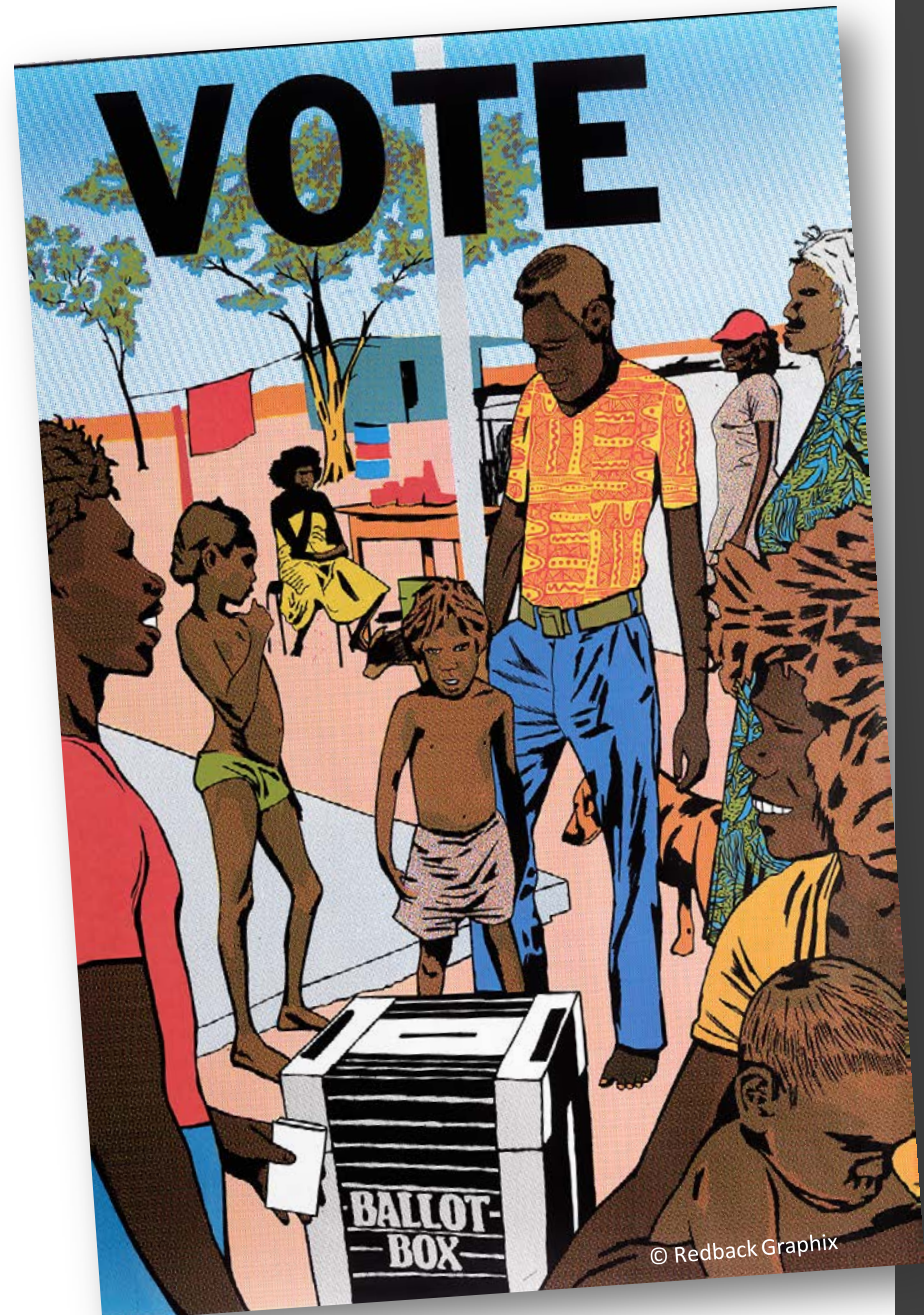
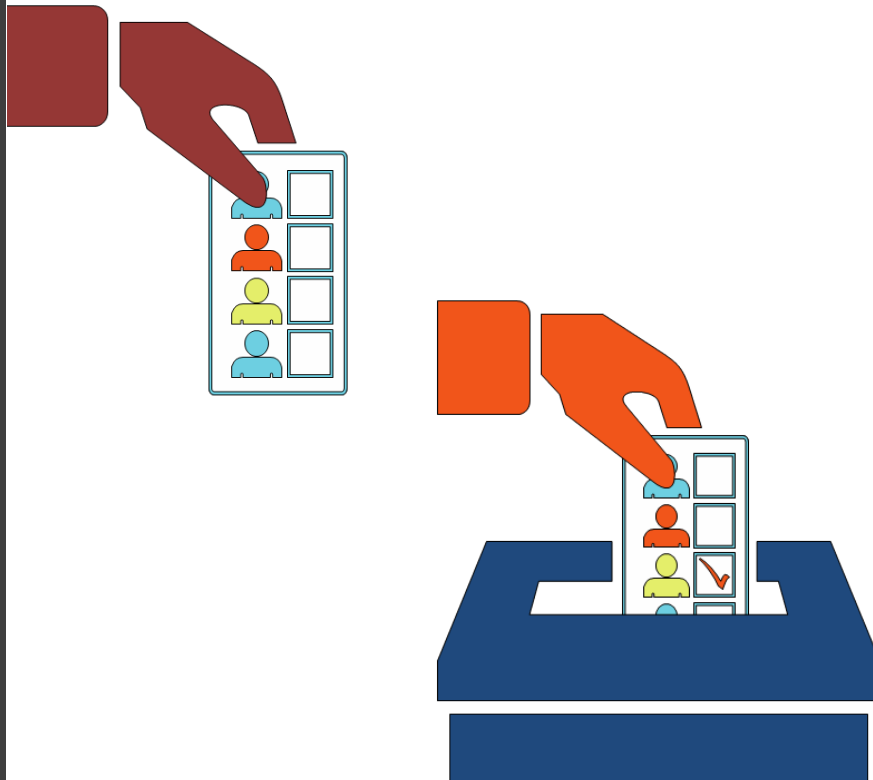
Above local government are the **state and territory governments** these cover larger areas of land and many more people.

And finally there's the **Australian Government**, which covers all of us in the whole country.



There are six states and two territories: Queensland, New South Wales, Victoria, Tasmania, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory.

Australia is a democracy. Everyone over 18 years of age is able to vote for a government or a council. In most elections, people have to vote. It's compulsory.



Local government in Australia is not recognised in the Constitution.

They have come about through state laws. They look after local community services, like community roads, rubbish collection, sports facilities, libraries and so on.

Darwin has a City Council. Alice Springs and Katherine have Town Councils. Shire Councils in the Territory usually have their main office in a regional town and have offices in some communities.



Different parliaments have different systems. Territory governments have elections once every four years.

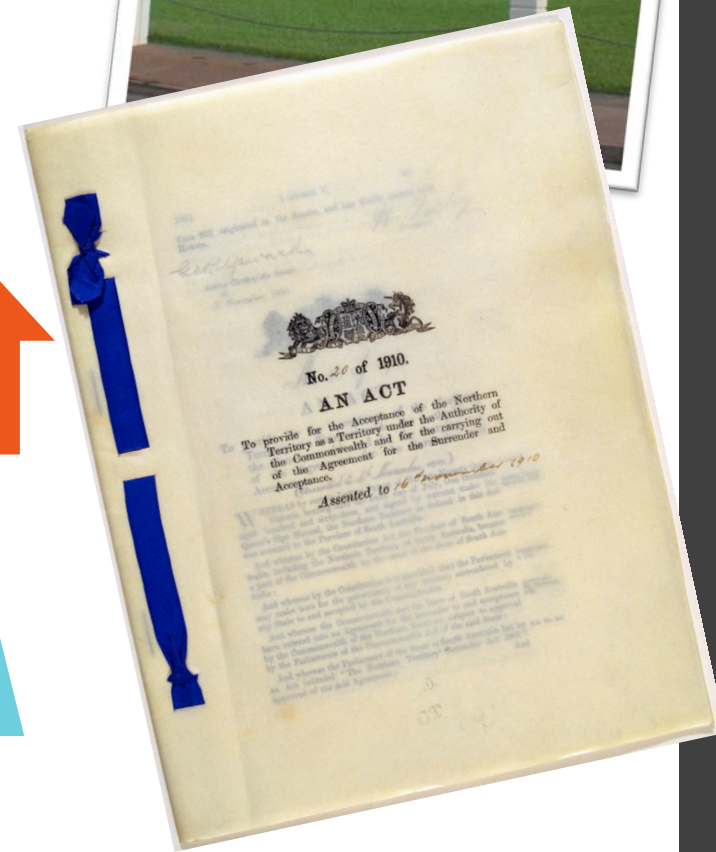
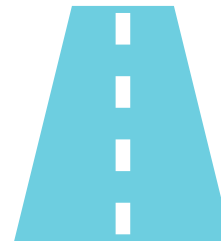
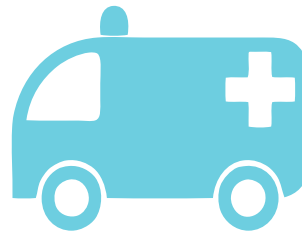
The Northern Territory has only one house – a Legislative Assembly. The other state parliaments have two houses like the Australian Parliament.

State Parliaments can make laws and run services for education, health, public housing, main roads, water and sewerage supply, police and emergency services.

Some of these services rely on funding from the Australian Government.

Territory Parliaments can have their decisions overturned by the Australian Government.

State Parliaments can't.



Presentation 9



Two Way Governance Resource

The structure of the Australian Parliament

The structure of the Australian Parliament

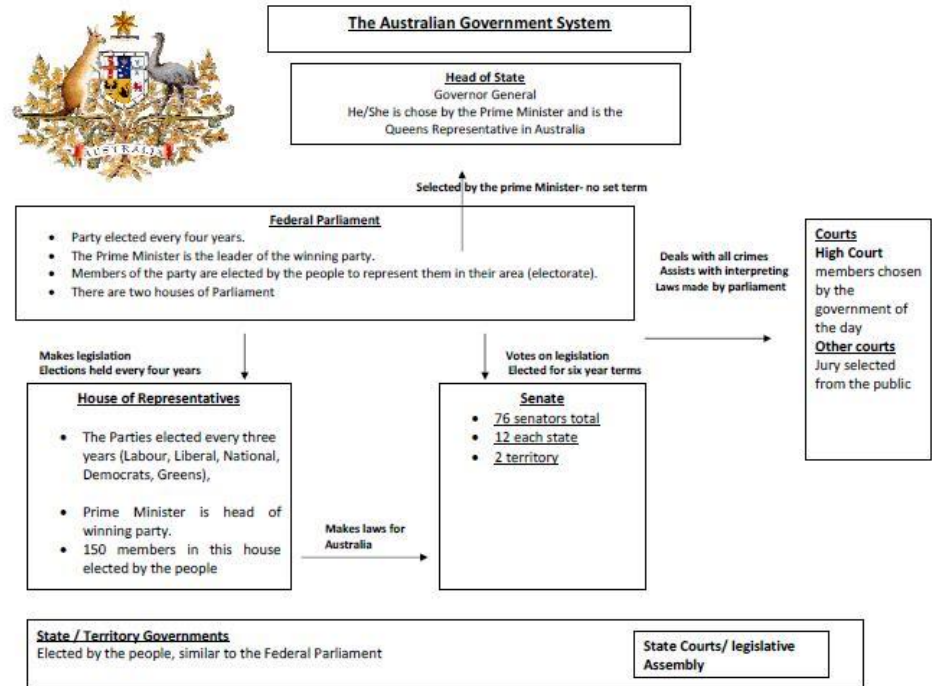
The Australian Parliament is divided into two Houses: the House of Representatives and the Senate.

The House of Representatives has 150 members representing their electorates.

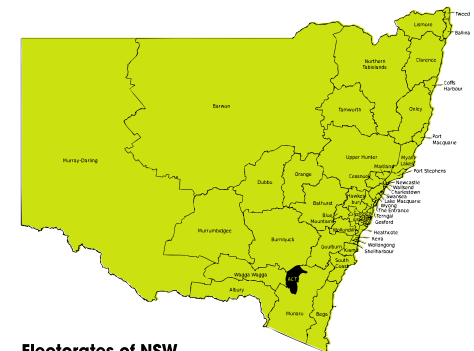
The senate has 76 members – 12 from each State and two each from the NT and the Australian Capital Territory.

Every three years, all the people of Australia (constituents or voters) elect a representative for their electorate – the area where they live – as part of deciding who will take government after the election.

They also vote for the State's senators to represent the whole of the State or Territory.



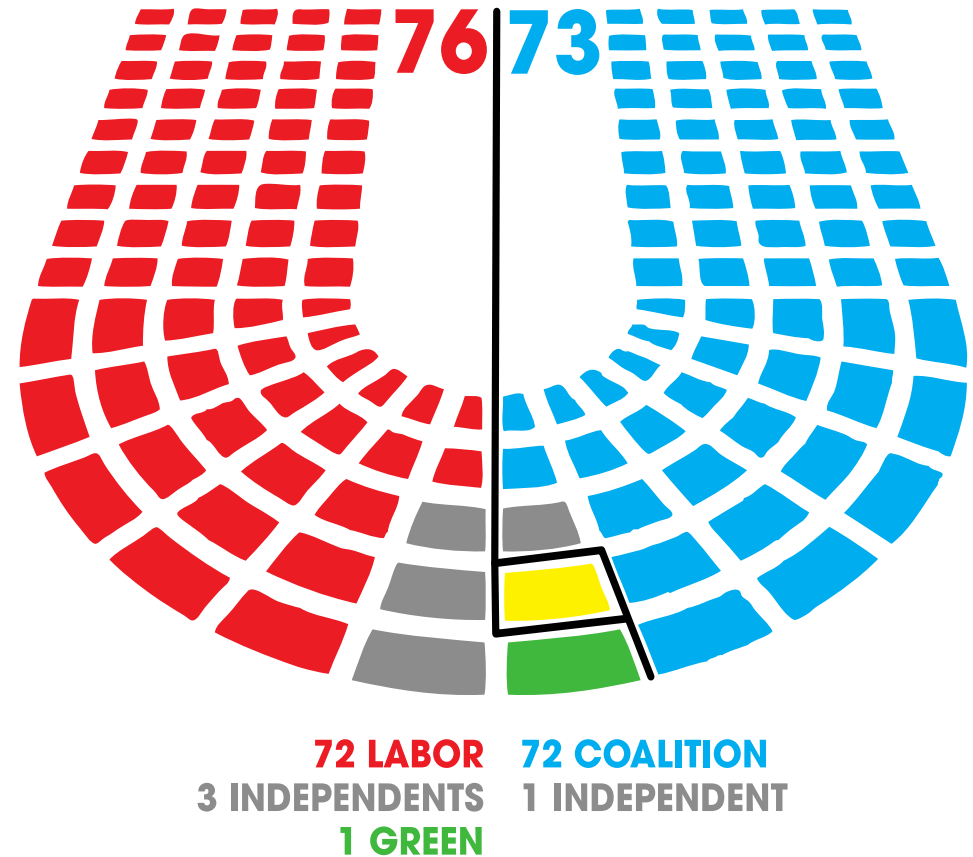
Electorates of NT



Electorates of NSW

The party with the most seats (the majority) in the House of Representatives wins Government.

The Leader of that party becomes Prime Minister.



The party in Government in 2013 is the Australian Labor Party. It doesn't have a majority. It is in Government because it has the support of three independent Members of Parliament and one member representing the Greens Party. The government initially gained power with the support of three independents (Windsor, Oakeshott and Wilkie) and one Greens Party member (Bandt). Another Independent (Katter) did not support the govt. Two others have become independent : Slipper (ex Liberal) and Thompson (ex Labor).

The Prime Minister is the head of government, but not the Head of State. Australia's Head of State is the Queen of Australia. Because she is also the Queen of the United Kingdom she is represented in Australia by the Governor-General.

The Governor-General is appointed by Parliament and is a bit like a ceremonial manager.

She or he appoints Ministers when the Prime Minister recommends it.

She or he also has to approve Acts of parliament before they can become law.

But the real power and authority is with the Government.

HEAD OF STATE



QUEEN



GOVERNOR
GENERAL



Presentation 10



The Prime Minister chooses Ministers from the elected members to join the Cabinet. The Cabinet is the top decision-making group in Government.

Cabinet meets regularly to decide on government business, on making new laws and approving spending and taxation programs.

The Ministers get what is called a 'portfolio', which is another name for a responsibility. They will look after one of the more than 20 Australian Government departments.

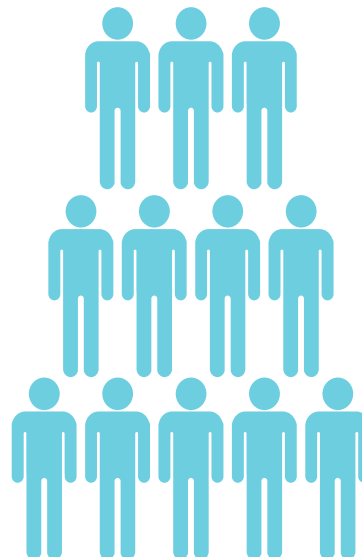
PRIME MINISTER



- KEY SPOKESPERSON FOR AUSTRALIA
- HEAD OF CABINET
- LEADER OF THE GOVERNMENT



CABINET MINISTERS



Ministers bring plans for their portfolios to Cabinet, where they have to argue for the money for all of their programs. Cabinet then decides whether to support the plan or not.

If the plan means some laws need to be made or changed, it will go to Parliament for discussion and, they hope, approval - first to the House of Representatives and then to the Senate.

Once Parliament votes for the plan, the Minister will tell the public service department CEO what the government wants done and the department does it.

The department has to report to the Minister and the Parliament on its progress.

When the Government passed the Aboriginal Land Rights Act, they told the Department of Aboriginal Affairs to make it work. DAA had to report to the Parliament on how it was doing that.

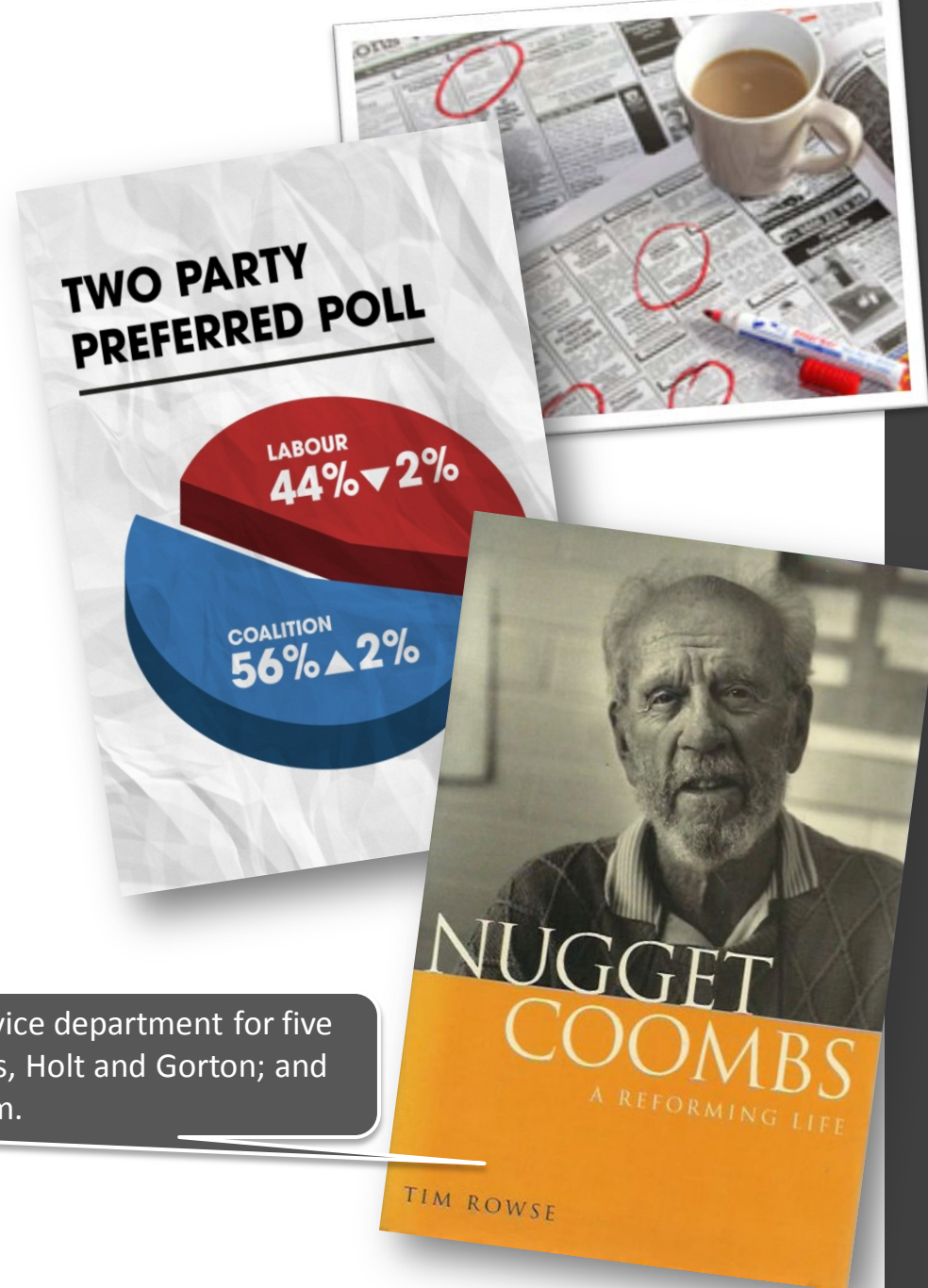


Cabinet approves the appointment of the department's CEO, but the department appoints all other staff.

Governments can change at any election if the voters aren't happy with the way they are working. Governments change when they lose their majority in the House of Representatives.

Public service departments do not change that much with different governments. The Minister may want a new public service boss but the public servants usually stay.

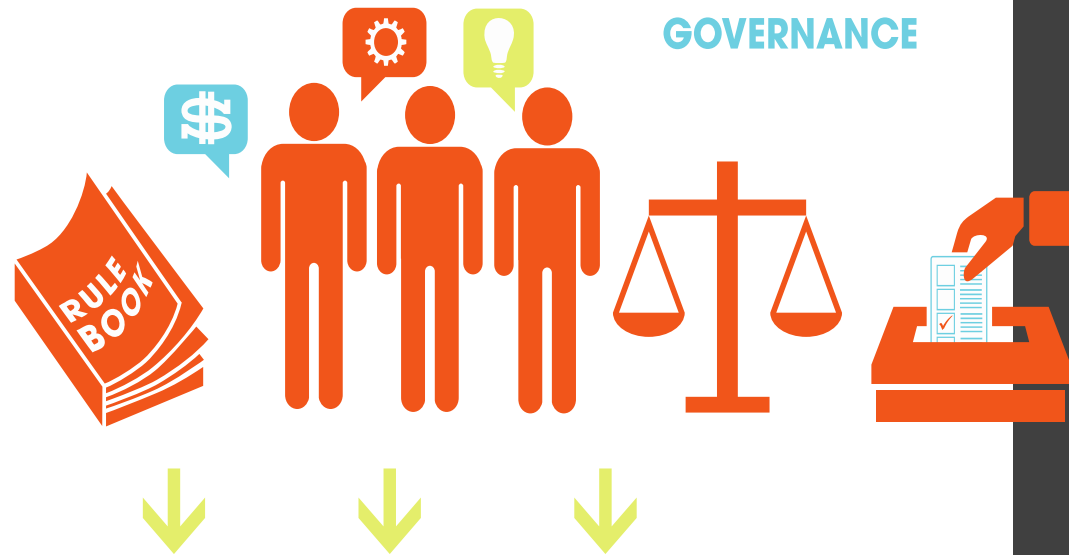
However they usually change their priorities when a new Minister tells them to.



Old man Nugget Coombs was the head of a public service department for five Prime Ministers over 30 years: Curtin, Chifley, Menzies, Holt and Gorton; and was an adviser to Gough Whitlam.

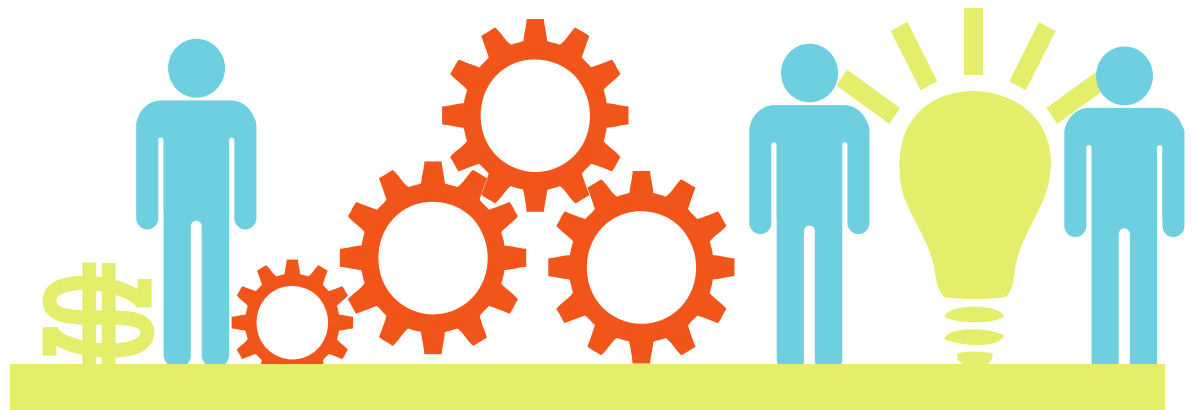
To sum up

The job of government is governance: talking about policy, making laws and voting on those laws.



The job of the public service is called administration: putting policy and laws into action.

ADMINISTRATION



Presentation 11



Two Way Governance Resource

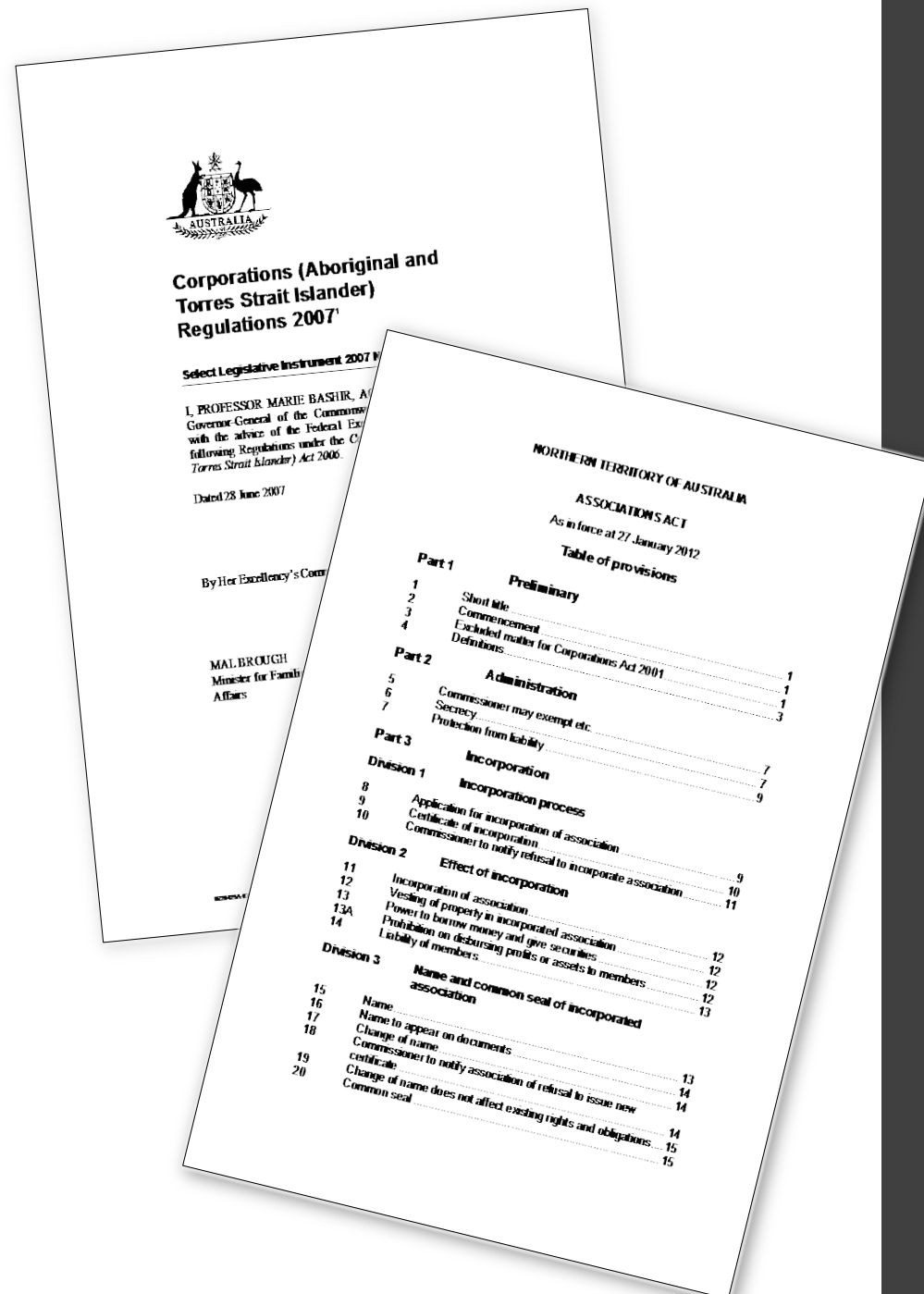
**How Governance works in companies and
Non-Government Organisations (NGOs)**

All organisations need a legal basis for their business – that is, they must be incorporated. There are three Acts for incorporation:

- the Associations (NT) Act 2007
- the Corporations (Aboriginal and Torres Strait Islander) Act 2006; or
- the Corporations Act 2001

The Associations (NT) Act is mainly for the Northern Territory's not for profit non-Government organisations (NGOs), like sporting clubs and other community organisations.

Some Aboriginal organisations in the NT incorporate under this Act and it gives them the legal status to apply for and manage government funding.



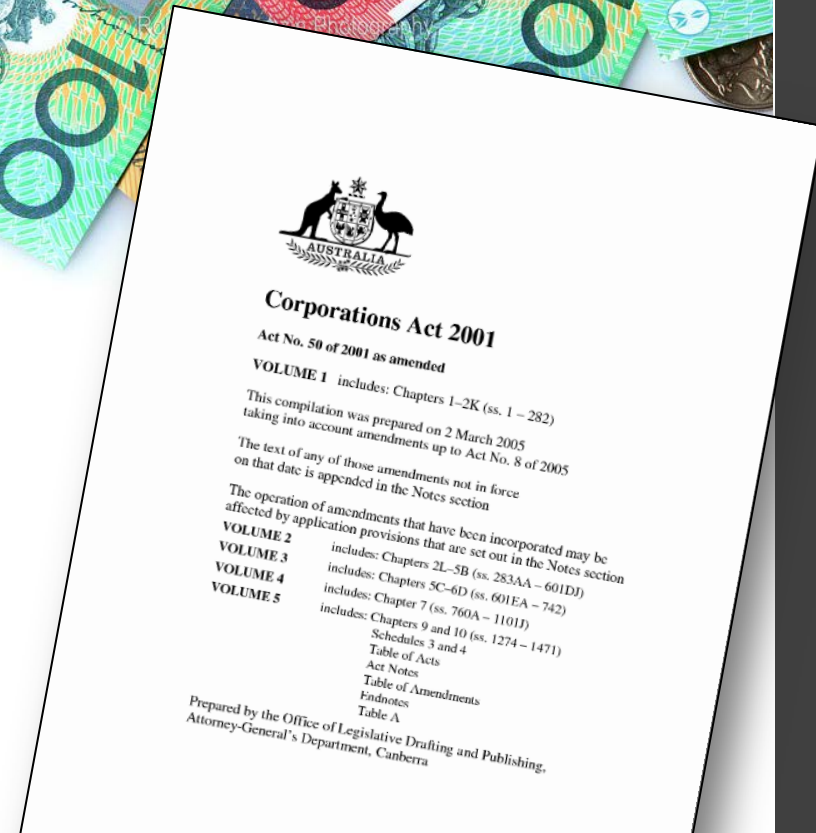
The Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI 2006) is an Australian Government Act covering Aboriginal corporations.

These are usually not for profit Non-Government Organisations (NGOs) who work for the good of the community in specific areas.

They need to make enough money to cover the costs of doing their work.

The Corporations Act 2001 is for all companies in Australia that do business to make money, like Coca Cola, Qantas or Rio Tinto.

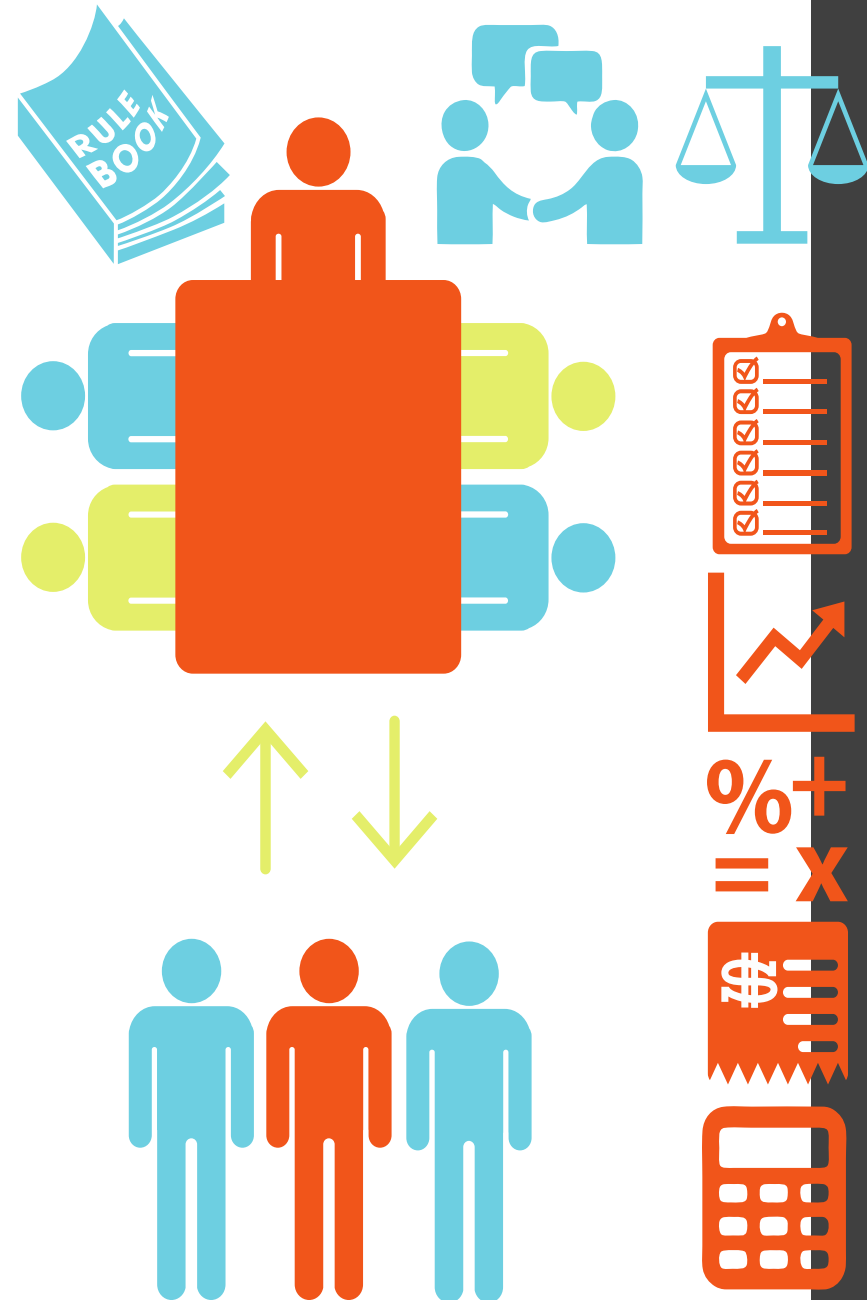
Aboriginal organisations in the Territory are also starting to incorporate under this Act.



Look at the organisations in your community - Health Boards, Ranger groups, Arts Centres or Resource Centres. If they have 'Aboriginal Corporation Incorporated' after their name, they are incorporated under this Act.

All these organisations have to work to the rules set by their Act:

- They have to have a Constitution
- They have to be managed by a board
- They have to be open and honest in the way they do their business
- They have to account for their funds
- They have to answer to their members



Who are the members?

Sporting clubs might have social and playing members.



NGOs will have members from a community, region or special area; health, community development and environment.



Companies have shareholders: people who buy shares to help the company work. If it works well, everyone makes a profit.



Every year shareholders in a company or members of an incorporated association (NGO) meet to choose their directors.

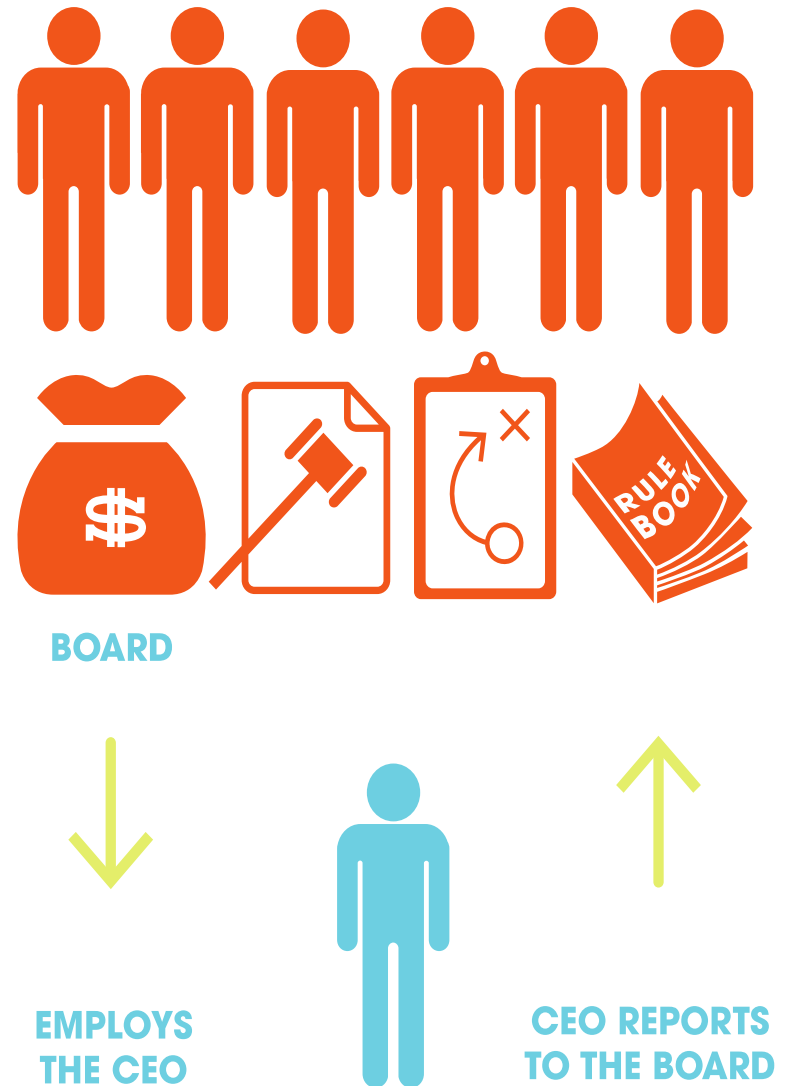
They are usually elected for a two-year term, but they can stand again and again.

The board is responsible for the governance of the company or NGO. Their job is to make sure money is spent properly and it operates the right way with the Act and the Constitution (compliance).

They also decide how the organisation will work by setting policies and strategic plans.

The board will choose a chief executive officer (CEO) to run the organisation.

The CEO takes direction from the board and reports at every board meeting on how the organisation is going.



The CEO is the only person the board employs.

The CEO hires all other staff:

Managers, the senior staff who are in charge of other staff and who turn the plans into actual work.

Other staff, who do the work the managers set for them.

