



CENTRAL LAND COUNCIL EFFECTIVE CONSULTATION AND ENGAGEMENT STRATEGY 2015 – 2020

CONTEXT

The CLC is a Commonwealth corporate entity pursuant to the *Aboriginal Land Rights (Northern Territory) Act 1976*, the Native Title Representative Body pursuant to the *Native Title Act 1993* and the *Public Governance, Performance and Accountability Act 2013*. It operates in the southern half of the Northern Territory. Consulting with Aboriginal people, and ensuring there is informed consent¹ about land related decisions is a statutory duty central to the operations of the CLC. The CLC makes every effort to ensure consultation processes are appropriate for the group involved, reduce the potential for family or group conflict, and ensure informed consent. Informed consent requires that traditional owners and other Aboriginal people affected by the decisions understand the available options, evidence and research on the proposal and the nature and implications of the decision being made. In addition, the CLC has developed a Community Development Framework which articulates the principles and processes of the CLC's development work. Underpinning this work are development principles such as empowerment, self-reliance and community cohesion for Aboriginal peoples².

The CLC undertakes a diverse range of functions, including: consulting traditional owners over land-use proposals and exploration and mining, facilitation of Native Title claims, working with traditional owners to manage country, exploring enterprise options and coordinating ranger programs, managing the distribution of income arising from land-use agreements, implementing community development projects, management of its corporate legislative responsibilities, administration of a large number of private Aboriginal corporations and undertaking research, media and advocacy work. These various activities each have their own engagement needs and strategies, including compliance with legislative requirements. Engagement with different groups (some traditional owner based and some not) occurs in many different ways, and most of it requires CLC staff and constituents to work in an inter-cultural zone. Effective inter-cultural work requires 'making a space' in which CLC staff and constituents negotiate different cultural perceptions and practices to create new ways of working together. In inter-cultural work people orient

themselves to learning and being critically reflective so that together they can create new approaches that draw on each other's strengths.

Effective engagement is particularly complex in this region due to a range of factors, most particularly language barriers, low levels of literacy and numeracy, the difficulties involved in getting people together across such a vast region, and the high level of 'consultation' demands placed on our constituents and often by our constituents. Engaging with people on complex legal, legislative, cultural or economic matters requires specific expertise and processes. As the CLC grows and diversifies it is evident that it requires a more systematic approach to ensuring that staff have the appropriate skills and expertise to facilitate effective meeting, consultation and participatory processes.

The CLC Corporate Plan commits the CLC to achieving best practice consultation and decision-making processes. This Strategy, and the CLC Dispute Management Framework 2015-2020, set out how the CLC intends to achieve that goal.

¹ See for example s.23(3) *Aboriginal Land Rights (Northern Territory) Act 1976*, and also the United Nations Declaration on the Rights of Indigenous Peoples

² CLC Community Development Framework, September 2009, on www.clc.org.au



CLC EFFECTIVE CONSULTATION AND ENGAGEMENT PRINCIPLES

The CLC aims to ensure that the approach to traditional owner and community engagement and decision-making is best practice and the right fit for the Central Australian context. The CLC has a long and proud history of obtaining informed consent, and facilitating agreements and decisions that are enduring and mostly uncontested. The CLC's engagement processes vary according to the nature of the consultation being undertaken, but some basic principles underpin our approach.¹ The CLCs engagement processes are designed to:

Respect for Aboriginal ways of doing business

- reinforce existing Aboriginal and local decision-making processes, including building consensus while respecting difference;
- recognise traditional land tenure practices relating to change and succession;
- reaffirm family and kinship relationships.

Working inter-culturally

- ensure understanding and informed consent;
- recognise that the inter-cultural nature of many CLC meeting processes may require negotiation and agreement by participants (constituents and staff) at the outset on how decisions will be made, including how meetings will be managed;
- recognise that large meetings can be highly political forums and are only one part of an effective engagement strategy.
- recognise and plan for preparatory work with smaller groups leading up to a large meeting;
- respect the role of senior group members in decision-making, as well as creating the opportunity for less powerful people to participate and be heard;
- assist in the development of effective governance arrangements, where appropriate.

Timing and resourcing

- allow sufficient time for information to be considered and decisions made while also minimising the burden on constituents to participate in meetings and processes;
- recognise that some meetings are important cultural and social gatherings that have significant benefit beyond the specific purpose of the meeting;
- make better use of CLC resources devoted to information provision;
- ensure CLC publications and education materials are relevant to, and raise awareness of, the wider context in which consultations take place.

Risk management

- keep constituents and staff safe and well;
- recognise that some meetings are likely to be volatile and require specific strategies, including specifying how and when to discontinue the meeting;
- abusive or threatening behaviour is not acceptable to staff or constituents;
- recognise that constituents have to live with any negative consequences caused by engagement processes, and processes must be designed to minimise harm and the possibility of causing or contributing to disputes.
- effectively manage transport needs;
- minimise the impact and effects of meetings and consultation processes on the welfare and security of the communities in which the activity is being undertaken, being especially mindful of the impacts that long distance travel can cause for constituents.

The Action Plan below seeks to operationalise these principles.

¹ These principles are inter-connected, but can also be conflicting. This Strategy acknowledges that tension and seeks to ensure that each engagement process is designed with clarity about the aim and underpinning principles.



EFFECTIVE CONSULTATION AND ENGAGEMENT ACTION PLAN

GOAL: The CLC undertakes best practice consultation and engagement processes for all aspects of its work with Aboriginal people in central Australia.

OBJECTIVE 1.

To support an organisational culture of best practice consultation and engagement.

Strategy

Develop resources and training program for staff that is tailored to our situation and work

Actions	Responsible	When
<ul style="list-style-type: none"> Promote and operationalise this strategy, including through a budget allocation 	Policy	March 2016
<ul style="list-style-type: none"> CLC Induction Program for new staff to include overview of this Strategy and training in engagement and facilitation (prerequisite for staff involved in facilitation and engagement work) 	HR and Managers	May 2016
<ul style="list-style-type: none"> Annual training program developed for existing staff including internal meeting facilitation workshops and where necessary external training provided in consultation and engagement 	HR and Managers	May 2016
<ul style="list-style-type: none"> Operationalise the CLC Dispute Management Framework, including by sourcing specific training in dispute management for relevant staff 	Policy	May 2016
<ul style="list-style-type: none"> Ensure the CLC Cross-cultural training is appropriate and targeted, and consider how to apply more than just at commencement of employment 	HR	May 2016

OBJECTIVE 1. CONTINUED

Strategy		
<i>Ensure consistency in the CLC's approach to meetings</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> Managers to review the draft Facilitator's Handbook and make refinements to document 	Reviewed by Managers	June 2016
<ul style="list-style-type: none"> Facilitator's Handbook endorsed by the organisation as basis for meeting processes 	Managers	August 2016
<ul style="list-style-type: none"> Managers to monitor staff use of the Facilitator's Handbook 	Managers, led by Regional team facilitators	Quarterly
<ul style="list-style-type: none"> Develop a check-list of things to consider for each engagement process, including: purpose and who is required, ensuring a clear agenda and visual tools/information required, need for a comfortable and neutral location, other logistics 	Policy	June 2016

Strategy		
<i>Ensure pre and post meeting work is built into consultation schedules</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> Managers and mentors to ensure staff fully appreciate the critical importance of pre-meeting preparation and consultations 	Managers and mentors	Ongoing
<ul style="list-style-type: none"> Managers to ensure staff consultation schedules include adequate time and resources for pre-meeting preparatory work, and post meeting follow up 	Managers	Ongoing
<ul style="list-style-type: none"> Managers to ensure that staff understand the need to be well briefed on the history and dynamics of any community/group they are engaging with 	Managers	Ongoing
<ul style="list-style-type: none"> Staff will ensure there is a lead person for any engagement process which is a collaboration between units 	Managers	Ongoing from Feb 2016

Strategy		
<i>CLC external feedback procedures are made more accessible to all stakeholders and constituents</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> Review CLC complaints procedure Make the CLC complaints procedure more accessible on the CLC website 	HR/Communications	Oct 2016
<ul style="list-style-type: none"> Make greater use of the regional offices and regional staff for facilitating feedback and formal complaints 	Manager, RSU	Oct 2016
<ul style="list-style-type: none"> Review internal mechanism for recording and responding to feedback 	Managers	End 2016

OBJECTIVE 1. CONTINUED

Strategy		
<i>Clarify CLC policy regarding use of interpreters, and use of staff with relevant language skills</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> Develop a CLC policy regarding the use of interpreters 	Policy	June 2016
<ul style="list-style-type: none"> Ask each regional team to develop a list of interpreters used in their region, and make accessible on the intranet 	Regional team facilitators	June 2016
<ul style="list-style-type: none"> Review the effectiveness of the payment of the 'community language allowance' to qualifying staff, as set out in the CLC Enterprise Agreement 	HR	May 2016

OBJECTIVE 2.

To build staff capacity to undertake effective engagement and consultation processes.

Strategy		
<i>Develop an engagement learning program for new staff</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> In house facilitators guide training to be included as a part of induction process 	CD	May 2016
<ul style="list-style-type: none"> New staff⁴ will attend 3 big meetings (such as Council, Community Development and Mining meetings) as part of learning how CLC business is undertaken before they have to run meetings 	Managers/Regional team facilitators	April 2016
<ul style="list-style-type: none"> New staff will be allocated an engagement process 'mentor' to assist them 'with developing and running engagement processes' during the first 12 months. The mentor should work in the same CLC region. 	Managers	Commencing May 2016
<ul style="list-style-type: none"> Mentors will attend the first two meetings run by new staff to assist and provide feedback on meeting 	Managers	Commencing May 2016

Strategy		
<i>Support staff to develop skills and experience in engagement and consultation</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> Annual internal staff workshop on facilitation and engagement to reflect on what works and improve future practice 	CD/Policy	Annually
<ul style="list-style-type: none"> Staff training by external provider where there is a need and an appropriate trainer is identified 	HR	Annually

⁴ Staff whose job description includes a requirement for constituent consultation and meetings coordination

OBJECTIVE 2. CONTINUED

Strategy

Ensure all relevant staff understand the legal context and requirements of different types of decisions

Actions	Responsible	When
<ul style="list-style-type: none"> Legal staff to convene regular staff information sessions to ensure staff understand relevant legislative requirements and impacts on CLC consultation processes (ALRA, Native Title, CLAs, different treatment of income) 	General Manager, Legal	May 2016

Strategy

Ensure all relevant staff understand the political nature of large meetings, specific to their region

Actions	Responsible	When
<ul style="list-style-type: none"> Internal forums and seminars to be held to ensure staff understand, and compare experiences, regarding the political nature of meetings in different regions 	Manager, Anthropology	May 2016 and ongoing

Strategy

Ensure staff adopt a consistent (NOTE: not 'uniform') approach to CLC meetings

Actions	Responsible	When
<ul style="list-style-type: none"> Provide opportunities for staff to participate in meetings run by other sections 	Regional team facilitators Policy/CD	From May 2016
<ul style="list-style-type: none"> Develop clear processes for ensuring there is periodic review of how meetings are being run 		
<ul style="list-style-type: none"> Regular reflection on how effective engagement processes have been at regional team meetings 	Regional team coordinators	
<ul style="list-style-type: none"> Review and refine ideas and strategies for getting meetings off to a good start 	CD	Annually
<ul style="list-style-type: none"> Test the concept of nominating a 'content' person and a 'process' person for large meetings. 	CD	Ongoing and reviewed annually

OBJECTIVE 3.

To build the capacity of Council/Executive members and other central Australian leaders to assist with meeting processes.

Strategy

Enhance the ability to the CLC Chair, deputy, members and other Aboriginal leaders to effectively run meetings

Actions	Responsible	When
<ul style="list-style-type: none">Hold a workshop on 'Chairing' for executive members and other key central Australian leaders	Policy	After 2016 election
<ul style="list-style-type: none">Consider use of a 'rotating chair' in 'working groups' where practicable	CD, LM	Ongoing
<ul style="list-style-type: none">Staff to share ideas and strategies for sharing greater power over the engagement process with participants.	Regional teams	Ongoing and reviewed annually

Strategy

Give opportunities to members to run meetings

Actions	Responsible	When
<ul style="list-style-type: none">Develop a clear process that staff will follow to ensure that CLC Council members know of meetings taking place in their community and, where appropriate, are invited to help with the meeting	Policy and regional team facilitators	April 2016
<ul style="list-style-type: none">Include facilitation overview and 'being a chair' in the governance training	Policy	May 2016

OBJECTIVE 4.

To continue learning and adapting our engagement and meeting processes to suit Council, communities and constituents.

Strategy		
<i>Learn from and understand our current meeting/engagement practices</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> M+E activities across the organisation (including CD, LM, Joint management, mining and other) include questions that seek feedback on our engagement processes 	Managers who have M+E activities	Ongoing
<ul style="list-style-type: none"> Data is collected and collated annually, including for inclusion in the annual performance statement 	Policy	From 2016

Strategy		
<i>Constituents are given opportunity to provide feedback on meeting processes</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> Staff to provide an opportunity at the end of meetings for feedback (e.g. butchers paper session) 	All staff undertaking consultation process	Ongoing but commencing May 2016
<ul style="list-style-type: none"> Discussion with Executive annually, or as needed, on feedback on consultation and engagement processes, and information provision 	Policy and Communications	

Strategy		
<i>Council meeting and other processes are reviewed</i>		
Actions	Responsible	When
<ul style="list-style-type: none"> Council meeting processes research 2015 	Policy	Dec 2015
<ul style="list-style-type: none"> Annual monitoring once changes are implemented 	Policy	Ongoing



MONITORING AND EVALUATION APPROACH

To ensure the continuous improvement of this Strategy and to assess its outcomes for CLC constituents, a Monitoring and Evaluation Strategy will be developed. It is anticipated this will be based on the following approach.

Monitoring will be undertaken on an annual basis. Drawing on the annual monitoring data collected and analysed over the period of the strategy an external evaluation will be undertaken in 2019.

The monitoring and evaluation focus will be scaled up as the Strategy is implemented, with more comprehensive monitoring being done on the implementation of 3.

Qualitative and quantitative data will be collected and analysed as part of the annual monitoring process. This may include interviews with Council delegates, staff members and constituents involved in CLC processes to assess the organisation's engagement processes, including the extent to which they meet the organisation's standard of 'best practice', as well as constituent expectations. These interviews will be conducted by staff. Quantitative data will also be collected and analysed, for example:

- the number of training sessions delivered;
- the number of staff and Council members participating in training;
- the number of guidelines/internal policies developed and implemented to improve engagement processes.