



nativetitle.org.au

Decision making

Directors and members must work together to make the big decisions to ensure their PBC functions well and is sustainable into the future. Depending on the situation, directors may make decisions on behalf of all members and which are in the best interest of their PBC. In other situations, all members of a PBC will have a say in making decisions for their PBC.

Making strong decisions

Strong decisions are ones where all members are happy with an outcome. However, sometimes a good decision is when all members at least understand why that decision was made.

Fair and timely decision making is crucial to strong PBC governance and all decisions should be made with Free Prior and Informed Consent (FPIC).

Article 32(2) of the UN Declaration on the Rights of Indigenous People says:

States shall consult and cooperate in good faith with Indigenous peoples concerned through their own representative institutions in order to:

- Obtain their free, prior and informed consent prior to the approval of any project affecting their lands or territories or other resources

It is also the responsibility of directors to ensure that decisions are with free, prior and informed consent.

Crucial to FPIC is ensuring that consultation between directors, members, stakeholders and all other parties is conducted with mutual respect and in good faith. Free prior and informed consent means:

- People are not pressured, intimidated or manipulated into making decisions;
- Consent is sought before any activity starts and that there is enough time for consultation and decision-making processes; and
- Sufficient information has been provided and that people understand all the issues, including in complex proposals that involve the use of natural resources such as minerals or water.

Strong decision-making processes must have:

- Free, prior and informed consent;

- Respect for all views knowing that no one has a monopoly on the truth;
- The right people involved especially those most impacted by a decision, accounting for gender, age, cultural priorities, family interests, particular areas of land, or individuals with specialist skills in sectors such as education, language and land and water management;
- The principle of subsidiarity;
- Ensured everyone can see how and why a decision was made;
- Cultural legitimacy and account for things such as looking after special places, relationships between people and the roles of Elders;
- Does no harm and builds relationships;
- Identified and account for the social, emotional and cultural wellbeing of Indigenous people of the native title area;
- Time for exploring arguments for and against;
- Been clearly communicated to all PBC members;
- Dealt with conflict of interest;
- Placed the interest of the whole above the individual; and
- Involved mentoring of younger people ensuring that knowledge is being passed on appropriately.

The Eastern Maar Aboriginal Corporation experience

The Eastern Maar Aboriginal Corporation manages native title rights for the Eastern Maar Peoples, which includes people who identify as Maar, Eastern Gunditjmara, Tjap Wurrung, Peek Whurrong, Kirrae Whurrung, Kuurn Kopan Noot and/or Yarro waetch (Tooram Tribe).

Managed by the [Australian Institute of Aboriginal and Torres Strait Islander Studies \(AIATSIS\)](#) and produced with the funding support of the [Department of Prime Minister and Cabinet](#).

Geospatial data has been provided by the [National Native Title Tribunal](#).



Australian Government
Department of the Prime Minister and Cabinet



National
Native Title
Tribunal