

RESPONSE TO NOUS REVIEW RECOMMENDATIONS - FIRST NATIONS LEGAL AND RESEARCH SERVICES (FNLRS)

TOR 1 Extent to which each organisation has achieved positive native title outcomes for persons who hold or may hold native title in its region taking account, where relevant, of disruptions caused by COVID-19. **(Rec 1-2)**

Rec 1 Continue to build on the steps it has already taken to improve Traditional Owner awareness of changes in the Victorian land rights landscape (noting the emergence of Treaty) to increase Traditional Owners' understanding of the different forms of recognition and FNLRS's role as an NTSP in the changing Victorian landscape.

Response

Agreed.

Implemented.

FNLRS sees this as a priority and actively promotes understanding of options and how they intersect with each other and the role FNLRS can play in assisting Traditional Owners participate in the various processes. Further FNLRS is working closely with the First Peoples' Assembly of Victoria, the Treaty Authority, the Self Determination Fund and the State to ensure greater understanding and alignment of the intersection of formal recognition processes.

Rec 2 This Review endorses the following recommendations of the Strategic Review:

- FNLRS should adopt more neutral positioning in active legal disputes between and internal to Traditional Owner groups, instead placing greater reliance on third party legal service providers.
- In repositioning to rely more on third party legal services providers, FNLRS should not move too quickly so as to deplete existing services and potentially alienate the users of those services.
- FNLRS should continue to seek to externalise politically charged decisions or research outcomes, and/or support the authority of such decisions/positions by reference to external and independent expertise.

Response

Agreed.

Implemented.

- FNLRS has established a board subcommittee (the Facilitation and Assistance Request Assessment Committee (FARAC)) with an independent expert member to make s203BB decisions.

Additionally, FNLRS has created Third Party Provider Panels for lawyers and consultants. Practitioners on the panel are eligible to receive s203BB funding on a brief out basis, subject to approval by FARAC. The creation of the panels provides a level of quality assurance for Traditional Owner groups wishing to engage private practitioners and access NIAA funding (through FNLRS).

- FNLRS continues to provide services directly to Traditional Owner groups at their request and is striking a balance between direct service delivery and briefing out.
- FNLRS has increased our use of consultant researchers to peer review our internally produced research reports and instituted co-authorship of reports where appropriate.

FNLRS regularly engages counsel to provide advice, including prospects of success advice and other advice as required, particularly on contentious matters.

TOR 2 Extent to which each organisation assesses and prioritises applications for assistance in a manner that is equitable, transparent, and robust, and is well publicised and understood by clients and potential clients.

Rec Nil recommendations

TOR 3 Extent to which each organisation deals respectfully, equitably, transparently and in a culturally appropriate manner with persons who hold or may hold native title in its region, including by adequately investigating and resolving complaints. **(Rec 3-4)**

Rec 3 This Review endorses the following recommendation of the Strategic Review:

- FNLRS should increase communication with the Victorian Traditional Owner communities and celebrate its work and success more openly.

Response

Agreed.

Implemented.

Recently FNLRS has increased its social media presence with regular posts in relation to our activities and matters relevant to Victorian Traditional Owners.

In August 2024 we hosted a major event to mark our 21st birthday and launched our new strategic plan. This event was attended by over 150 people and provided a significant opportunity for FNLRS to showcase our successes and signal our intentions for the future.

Rec 4 Review the CLO role position description and explore how it can be evolved to go beyond administrative tasks to focus more on building relationships with community and education activities.

Response Agreed. Implemented. In October 2024 we restructured the community liaison function so that it is now embedded within the legal team. This will ensure the CLOs take on greater responsibilities and provide opportunities for professional development.
TOR 4 Extent to which each organisation performs its functions in a cost-effective manner, including by identifying the key cost drivers for the organisation. (Rec 5)
Rec 5 Document cost-saving policies for all relevant categories of expenditure.
Response Agreed. Implemented. The Corporate Services team is developing cost-savings policies.
TOR 5 Extent to which each organisation has governance and management structures, and organisational policies and an organisational culture that support efficient and effective project delivery. (Rec 6-8)
Rec 6 This Review endorses the following recommendations made by the Strategic Review: • FNLRS should seek to diversify the composition and skills of its Board to a wider variety of people and skillsets (for example, this could be achieved by advertising for Directors more proactively and widely using formal advertisement channels and possibly recruiters). • FNLRS should better communicate its current governance structure and Board membership (this could be achieved by profiling the current Board members on relevant channels including FNLRS's website, social media channels, events).
Response Agreed. Partially implemented. • New director recruitment has commenced, with one new director likely to be appointed at the November 2024 AGM. Agreed. Implemented. • We have developed a new website that now includes detailed biographies of all board members. During our 21st anniversary event, our Chairperson, Ken Stewart, delivered a keynote address, further spotlighting our leadership. Additionally, we plan to continue profiling our board members via social media over the next six months to improve public awareness of our Board's expertise and contributions.
Rec 7 Implement a mechanism for collecting, understanding and responding to community feedback, which should then be reported to the Board.

Response Agreed. Yet to be implemented. The board will consider a community feedback strategy in early 2025.
Rec 8 Enhance organisational collaboration by implementing activities that encourage the different teams within FNLRS to work together.
Response Agreed. Ongoing. FNLRS hosts a yearly two-day residential staff retreat that focuses on team building and organisational and professional development activities. We have recently instituted two activities to boost inter-team relations: 1. team presentations to our monthly staff meetings; 2. In-office lunches and morning teas to encourage staff to socialise with each other. Further, since the review, we have moved into open-plan offices thereby creating more informal interaction between colleagues and teams.
TOR 6 Extent to which each organisation is adequately supporting Prescribed Body Corporates towards self-sufficiency. (Rec 9-12)
Rec 9 Implement a mechanism to collect client feedback from PBCs and TOGEs on an ongoing basis and improve the way the organisation collects, monitors and responds to informal feedback and issues.
Response Agreed. Yet to be implemented. The board will consider a community feedback strategy in early 2025.
Rec 10 Develop clear communications around the service offering for PBC and TOGE support that outline which services FNLRS offers on a fee-for-service basis.
Response Agreed. Partially implemented. We already have service agreements templates that identify fee for service offerings. Fee for service offerings will also be identified on our website.
Rec 11 Clarify with the NIAA its intentions to provide base PBC funding in the future to all PBCs.
Response Agreed. Implemented. Have met with NIAA staff and confirmed eligibility for Victorian PBCs and communicated this to the PBCs.

Rec 12 This Review endorses the following recommendation of the Strategic Review: FNLRS should assess current research practices and consent forms to ensure they provide informants the option for their information to contribute to Treaty negotiations.
Response Agreed. Implemented. All our activity in areas without formal recognition is undertaken on the basis that groups can chose from the different recognition pathways, including native title and treaty. Research information is collected with these options in mind and the appropriate consents sought.
TOR 7 Extent to which each organisation has developed its planning for a post-determination environment. (Rec 13-14)
Rec 13 This Review endorses the recommendations of the Strategic Review: • FNLRS should avoid any significant re-structure until the Treaty process and its associated institutions are more fully established, to avoid locking into unsuitable or inflexible arrangements that do not serve Traditional Owner needs. • FNLRS should strengthen and build ties with emerging Treaty institutions and remain agile and ready to reflect their needs as new spaces develop.
Response Agreed. Implemented. • No restructure has occurred or is planned. • We are continually engaging with the treaty institutions (Treaty Authority, First Peoples’ Assembly of Victoria and the Self Determination Fund) at officer and executive level and supporting the treaty institutions’ engagement with First Nations groups. Further, in August 2024 we facilitated a meeting with the treaty institutions, the State and the Federal Court and all parties have agreed to meet regularly.
Rec 14 As part of the development of FNLRS’s next Strategic Plan (post-2024), engage with staff and clients to develop clear objectives for post-determination and post-settlement activities for each PBC and TOGE, and for FNLRS as an organisation.
Response Partially agreed. Yet to be implemented. We have completed the 2025-2028 strategic plan already and this level of detail is not included. Further the detail proposed relating to each PBC and TOGE in the recommendation is not appropriate for a strategic plan. Notwithstanding year by year operational plans can include the recommended information.