

NOTE TO:

2 September 2005

DAVID RISSTROM  
INDEPENDENT CONSULTANT

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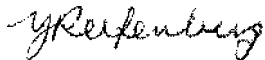
RE: SUBMISSION TO BIOSPHERE ORGANISATIONAL REVIEW

Dear David

Attached are my thoughts on this complex issue, typed up on an old-fashioned typewriter.

By the way, thanks again for facilitating the workshop at Hastings last Saturday.

Regards



YVONNE REIFENBERG  
General Member

ATT: 5 Pages

1. WHAT ASPECTS OF THE CONSTITUTION CREATE AN ACTUAL OR POTENTIAL BARRIER TO THE FOUNDATION ACHIEVING ITS GOALS ?

- 1.1. The CONSTITUTION must enable the FOUNDATION to achieve its key missions as stated under Clause 1:
- conserving and improving biological diversity
  - building and sharing knowledge by facilitating, monitoring and utilising research,
  - fostering, encouraging and facilitating project partnerships
  - engaging with, and providing education for, all elements of the Biosphere community
- 1.2. The CONSTITUTION must permit the FOUNDATION to achieve the Objectives of the MAB Programme, the commitments of the Nomination, the Visions as expressed in the Charter, and the general expectations of the FOUNDATION.

There have been comments that our current CONSTITUTION may prevent some large education and research organisations from working with the FOUNDATION. Clearly, the CONSTITUTION must enable the FOUNDATION -

- to engage fully with its General Members
  - to engage with the broader community
  - to engage with all types of community groups
  - to engage with business, commerce and industry
  - to engage with government and semi-govt organisations
  - to engage with non-government organisations
  - to engage with education and research organisations
  - to enable it to undertake consultative processes: gathering data, sharing information and technology, etc. (via use of additional legal documents as required, eg. consultancy contracts, Memorandums of Understanding, Non-Disclosure Agreements, etc.).
  - to share funding from grants and other resources to carry out joint projects with its diverse range of partners
  - to receive gifts and donations from the full spectrum of benefactors (corporations, organisations, groups, individuals)
  - to do all of the above in partnership with all Biosphere Reserves within Australia and overseas
- 1.3. The CONSTITUTION must (obviously) fulfil the Conditions of the STATE GOVERNMENT Endorsements and the DUE DILIGENCE Expectations of a Corporation under the CORPORATIONS ACT.
- My assumption is that the current CONSTITUTION fulfils the legislative requirements of these two elements, otherwise, the FOUNDATION would not have been inaugurated on 19 December 2003.
- 1.4. However, as a LAYPERSON and as someone who was not involved in the pre-Inaugural Governance deliberations of 2003, I am not in a position to respond more specifically to this question.

2. WHAT ASPECTS OF THE ROUNDTABLE RULES CREATE AN ACTUAL OR POTENTIAL BARRIER TO THE FOUNDATION ACHIEVING ITS GOALS ?

- 2.1. The ROUNDTABLE RULES must permit the ROUNDTABLES to achieve the Objectives of the MAB Programme, the commitments of the Nomination, the Visions of the Charter, and the general expectations of the FOUNDATION as a whole.

The ROUNDTABLE RULES must permit the Regional ROUNDTABLES to promote the BIOSPHERE RESERVE and the FOUNDATIONS goals -

- by engaging with the broader community
- by engaging with community and environmental groups
- by engaging with educational institutions
- by engaging with local business and industry
- by engaging with other organisations
- by engaging with government and semi-government organisations
- by acting independantly and via delegation as agreed with the BOARD
- by resourcing funding from a variety of sources directly and through BOARD assistance

- 2.2. The current ROUNDTABLE RULES are modelled on the CONSTITUTION, thus the requirements for fulfilling the Conditions of the STATE GOVERNMENT Endorsement and the DUE DILIGENCE Expectations under the CORPORATIONS ACT, are presumed to be the same.

3. WHAT ASPECTS OF ANY OTHER ADMINISTRATIVE ARRANGEMENTS ADOPTED OR USED BY THE FOUNDATION CREATE AN ACTUAL OR POTENTIAL BARRIER TO THE FOUNDATION ACHIEVING ITS GOALS ?

QUESTION: What defines "ADMINISTRATIVE ARRANGEMENTS" ?

Immediate EXAMPLES of instances that spring to mind are as follows:

3.1. FINANCIAL REPORTING:

Currently only "annual" information is supplied to General Members - at Annual General Meeting-

3.2. FINANCIAL PROCEDURES & PROCESSES FOR ROUNDTABLES - CURRENT DRAFT STAGE:

Q: Are there elements within these that (may) present such barrier ?

A: Yes - a concern that General Members (allocated to regional ROUNDTABLES) are to be made responsible for financial shortfalls that might be incurred by the ROUNDTABLES.

In the first instance, this appears to be unCONSTITUTIONal - Clauses 6 and 40, regarding Members Liability.

Secondly, if this proposal were to be implemented, it would certainly DISCOURAGE NEW MEMBERSHIP, as well as THREATENING EXISTING MEMBERSHIP of the FOUNDATION ! The MISSION and VALUES of OUR CHARTER are to develop both the BIOSPHERE RESERVE and its FOUNDATION, by inviting the wider community to join with us and grow the MEMBERSHIP BASE.

### 3.3. OPERATIONAL PROCESSES IN GENERAL:

The FOUNDATION must be ORGANIC and DYNAMIC, it must be able to GROW and FOSTER PARTICIPATION by its GENERAL MEMBERS and those who are yet to join the organisation.

The BOARD must ensure that all ADMINISTRATIVE and OPERATIONAL PROCESSES are devised in CONJUNCTION with THEIR USERS at all levels of the FOUNDATION, and that these are not imposed FROM THE TOP DOWN.

### 3.4. COMMUNICATION WITH FOUNDATION'S GENERAL MEMBERS:

In my view, there are no adequate communications with General Members about FOUNDATION ISSUES and CONCERNS.

- The Foundation NEWSLETTERS/E-BULLETINS did not adequately inform General Members of Foundation ISSUES, because they tended to focus on EVENTS. The E-BULLETINS were discontinued by the end of November 2004, when the then Executive Officer departed. The NEWSLETTER to General Members was not relaunched until late August 2005 - a gap of 8 months !

" The ROUNDTABLE activities and issues are notified to their respective regional General/Roundtable Members.

The ROUNDTABLES should not be responsible for conveying to the FOUNDATION General Members any issues and concerns raised within a "BOARD ROOM ENVIRONMENT". However, issues and concerns expressed within this "restrictive" environment must be conveyed in an appropriate manner to the General Members of the FOUNDATION. In other words, it is the BOARD of the FOUNDATION which must ensure that General Members are adequately informed of issues and concerns directly, and not place undue pressure on the ROUNDTABLE Board Representatives (RT Director and Alternate Dir.) elected by the ROUNDTABLE, to carry the burden of "silence" in matters relating to FOUNDATION concerns/issues.

3.5. In my view, the PROCESSES of the FOUNDATION must reflect the FOURTH PRINCIPLE OF THE EARTH CHARTER (adopted by the Morn.Pen.Shire at its SUSTAINABLE PENINSULA COMMUNITY REPORT FORUM in August 2002, and a basis for the UNESCO MAB Programme and the SEVILLE STRATEGIES, This states:

" IV. DEMOCRACY, NON-VIOLENCE AND PEACE:

13. Strengthen democratic institutions at all levels and provide transparency and accountability in governance, inclusive participation in decision-making and access to justice. "

Our current CONSTITUTION has incorporated, under Clause 1. VISION, MISSION AND VALUES, a statement that the FOUNDATION VALUES include "open and transparent processes of accountability to the community". Unfortunately, this specifies neither that these processes include the General Members, nor that the General Members are also included in the decision-making processes.

The SEVILLE STRATEGIES state clearly that the operations of the BIOSPHERE RESERVE must be COMMUNITY DRIVEN, and this inevitably must include consultation with the GENERAL MEMBERS of the FOUNDATION.

Thus, whichever organisational model may be selected, it must enshrine the full set of values, if that organisation is to operate democratically under the CHARTERS.

- If the FOUNDATION continues to operate otherwise, then it will -
- fail to fulfil the various visions, missions, goals.
  - create a barrier to GROWING the organisation
  - threaten the existing MEMBERSHIP BASE through its "TOP DOWN" approach to "running" the organisation,

4. WHAT ARE THE ADMINISTRATIVE OPTIONS FOR ACHIEVING BETTER RESULTS, IN THE CONTEXT OF ANY POSSIBLE BARRIERS THAT MIGHT HAVE BEEN IDENTIFIED THROUGH AN EXAMINATION OF THE ABOVE QUESTIONS ?

- 4.1. CHAIR - PROCESS OF SELECTION AND APPOINTMENT:  
Option should be for both INTERNAL and EXTERNAL appointment and process must be DEMOCRATIC and INCLUSIVE.
- 4.2. ROUNDTABLES:  
GEOGRAPHIC - obvious need, given large area covered,  
ISSUE BASED - possibility to create SUB-COMMITTEES that are "issue/project" based.  
REPRESENTATIVE - Yes - if Research Group/Committee and the still to be formed Business, Commerce & Industry Group/Committee wish to become Roundtables.
- 4.3. ENGAGING THE BROADER COMMUNITY:  
This requires thorough discussion among ALL FOUNDATION MEMBERS.
- 4.4. UPPER LIMIT IN NUMBER OF DIRECTORS:  
Yes - but this will depend on organisational structure of evolving FOUNDATION.
- 4.5. BOARD - SKILLS BASED, REPRESENTATIVE, OTHER:  
The Board must certainly be representative of the regions in some measure\* and skills-based in all core activities.
- 4.6. BOARD ROLE / ROUNDTABLE ROLE:  
The roles of both must be mutually defined, so that clear parameters are established for co-operative modus operandi.
- 4.7. CONSTITUTION, OTHER BINDING DOCUMENTS - CERTAINTY AND FLEXIBILITY:  
At all times, the GENERAL MEMBERS of the FOUNDATION must "FEEL SAFE".  
(Refer my earlier comments under Point 3.2.)  
Obviously, all LEGAL aspects must be covered and STATE GOVT Conditions must be met, although the latter may also evolve.  
Much depends on the issues emerging out of the areas dealt with under WHAT ASPECTS OF THE CONSTITUTION CREATE ... BARRIERS and inconsistencies\*  
(Refer my earlier comments under Point 1.)
- 4.8. ROLE OF STANDING COMMITTEES:  
The role of these needs to be clearly defined and parameters set. I assume these are synonymous with the WORKING GROUPS. As a General Member, I have limited knowledge of WHO *the* members of these are and am only aware of their function by the "titles" of the groups.

**4.9. POTENTIAL ROLE OF INTEREST GROUPS:**

**This was an area of confusion pre-Inauguration, as "INTEREST-based" may be seen to be synonymous with "ISSUES-based" and some General Members do make a distinction between the two- This requires further discussion.**

**4.10. ARRANGEMENTS TO SERVE THE EVOLVING AND LONG TERM NEEDS OF FOUNDATION:**

**Again, we need to address many of the key issues and resolve these to OUR MUTUAL SATISFACTION.**

**5. WHAT OTHER QUESTIONS SHOULD WE THINK ABOUT OR ANSWER ?**

**These will inevitably relate to the finer details which will emerge for consideration as this exercise progresses. There must then be the proper opportunity to address these.**

**ULTIMATELY, the BIOSPHERE RESEARCH FOUNDATION must make the transition from being a LEGAL ENTITY to becoming a FULLY FUNCTIONAL ENTITY, with a sound modus operandi for DAILY COHESIVE OPERATIONS.**

**And for this to occur, the FOUNDATION must rapidly advance its GOVERNANCE AND PROCEDURAL PROCESSES, encompassing the full range of activities and responsibilities, in a CONSULTATIVE manner.**