

CHAPTER 6

The Regional Authority Model

Central to, and concurrently with, the Regional Council's consideration of new governance arrangements was the concept of a Regional Authority, translated from the experience of the Torres Strait Regional Authority (TSRA).

The TSRA was established as a result of the first review of the *ATSIC Act* which recognised the specific cultural situation of Torres Strait Islanders. The arrangement involved the separation of the former Torres Strait Regional Council from the Aboriginal and Torres Strait Islander Commission in 1994, with the TSRA performing in the Torres Strait all of *ATSIC's* powers, and being directly funded by the government.

Creation of the TSRA was seen as one of the major outcomes of the 1993 review of the operation of the *ATSIC Act*. In the years following the TSRA's establishment, interest in the regional authority concept developed among Indigenous organisations in a number of areas in mainland Australia. Accordingly the terms of reference for a further review of the *ATSIC Act* in 1997-98 included, as one of the specific matters for consideration, 'whether the Act should make explicit provisions for the establishment of Regional Authorities, having regard as relevant to the provisions of the Act relating to the Torres Strait Regional Authority.'¹

The Regional Council's concern was that under the *ATSIC Act*, the role of regional Councils was generally limited to planning and advice. A Regional Authority would have considerably more power than a regional Council.

As it outlined in its discussion paper,² an ideal model for a regional authority would combine some key distinctive features including:

- The receipt of single line appropriation from governments, that is, funding which is not tied to specific programs and may be administered by the regional authority to target needs-based priorities determined by the community;
- A regional authority would have control over planning and policy making decisions for the region;
- It would have a regional administrative and executive structure which would among other things, enable a regional authority to employ and dismiss their own staff;
- It would have the power to coordinate programs and policies of government agencies when they are involved in negotiated agreements with such agencies; and
- A regional authority would be able to tender for service providers from both the public and private sectors thus increasing competition and **contestability**. Such a tendering process would enable the regional

¹ Aboriginal and Torres Strait Islander Commission, Report to the Minister for Aboriginal and Torres Strait Islander Affairs, February 1998, p. 28.

² *Decision making at the community level*, a Discussion Paper, p. 9.

authority to choose the most appropriate service provider to suit regional needs and project timeframes.

Again to allay concerns that the creation of a Regional Authority might be seen as a push for power by members of the Regional Council, the discussion paper reiterated that:

Importantly, a regional authority in the Murdi Paaki Region would be directed, at the local level, by community bodies such as Community Working Parties, which would inform the regional authority of local needs and priorities, ensuring that these priorities are appropriately targeted.³

Whilst not providing a specific definition, ATSIC had advanced some broad defining features of a regional authority.⁴ These features included:

- Substantially greater powers than a regional Council;
- Authority to negotiate and reach agreements with Federal, State/Territory and local funders or providers of services, and with Aboriginal and Torres Strait Islander service provider organisations;
- The ability to receive funds from, and undertake functions normally performed by other service providers; and
- Employment of their own staff.

In arguing the need to change from a Regional Council to a regional governing body, the Council's discussion paper drew on the Royal Commission into Aboriginal Deaths in Custody which, it said, had argued that substantial changes in the situation of Aboriginal people in Australia would not occur unless government and non-Aboriginal society accept the necessity for Aboriginal people to identify, effect and direct the changes which are required.⁵

The Council argued that moving from a Regional Council to a Regional Governing Authority would place greater control in the elected Aboriginal representatives of the region, effectively allowing local issues to be dealt with at the local level. Torres Strait Islanders had argued that 'the very act of being involved in planning your own destiny gives great hope to community members.'⁶

More importantly, in the view of the discussion paper, the Murdi Paaki Regional Council, since inception, had developed the strategic capability to take this vital step. It went on to argue:

We have 'outgrown' the arrangements put in place by the ATSIC legislation and

³ *Decision making at the community level*, a Discussion Paper, p. 18 'What is a Regional Authority and how it differs from a Regional Council'?

⁴ Aboriginal and Torres Strait Islander Commission, Report to the Minister for Aboriginal and Torres Strait Islander Affairs, February 1998.

⁵ RCADIC, 1991 Vol 2:501-502.

⁶ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Torres Strait Islanders: A New Deal* 1997:42.

practices imposed on us by bureaucracies such as the Department of Aboriginal Affairs (DAA), Aboriginal Development Commission (ADC), Treasury, the Audit Office and ATSIC itself.⁷

Under the proposed authority model, Community Working Parties, representing the interests of communities within the Authority, would take on an even greater role which would place them at the centre of the decision-making process. As their functions expanded, they might even assume the role of an Indigenous Council. Some of the attractions outlined for Community Working Parties were:⁸

- Could further evolve and be recognised internally and externally as the central ‘agent for change’ in the community;
- Could formulate, maintain and implement a Community Profile and a Community Plan;
- Could be a party to operations within a regional framework established by the Murdi Paaki ATSIC Regional Council that requires Government Agencies at the Federal, State and Local levels to sign a ‘**Memorandum of Understanding**’ (MOU) for all service delivery and funding within the Murdi Paaki Region;
- Could be a signatory to a range of ‘**Service Agreements**’ with the Murdi Paaki ATSIC Regional Council and Government Agencies at the Federal, State and Local levels;
- Within the context of the ‘Service Agreement’ and overarching MOU, any organisation or body seeking to deliver a service within the community must obtain the support and approval of the Community Working Party for that service;
- Within the context of the ‘Service Agreement’ and overarching MOU, any organisation or body making application for funding to enable it to deliver a service within the community must obtain the support and approval of the Community Working Party for that funding application before it is lodged;
- Could be a party to a Service Agreement, through a single agent, within the parameters of a MOU that brings together Government Agencies, Murdi Paaki ATSIC Regional Council and the Community Working Party and ‘**pools all funds**’ to create a ‘Community Bucket’. Services could then be purchased from that ‘Community Bucket’. Contracts could be entered into with the provider chosen by the Community Working Party. It would be desirable to formalise a ‘three year rolling program’ with funding guaranteed for that period. The existing practice of ‘intersectoral collaboration’ is a recipe for “getting nothing done” and too many ‘escape valves’ exist for the participating agencies;

⁷ *Decision making at the community level*, a Discussion Paper, p. 19.

⁸ *Decision making at the community level*, a Discussion Paper, p. 20, ‘The Potential of Community Working Parties’.

- Could negotiate and agree on goalposts and outputs with funding agencies so the performance of contracted organisations and Government Service Providers can be reviewed by the CWP;
- Could monitor the performance of Government Service Providers and contracted organisations on a monthly basis; and the outcomes of that service delivery reviewed every 6 to 12 months; and
- Could carry out extensive community consultations to establish future direction for the region and feed the results of the consultations back to the Regional Council. Consultations could include issues such as determining where the community wants to be in five years in terms of its economic development, its health and well-being and levels of autonomy.

Having outlined a model for discussion, the Regional Council declared its intention to “challenge thinking” and expected that in return the thinking of the Regional Council would be ‘tested’ and ‘challenged’. The Regional Council intended to explore ‘potential’ and ‘possibilities’ in conjunction with communities and their Community Working Parties and, ‘over time,’ build up a picture of where communities were now and where they wished to be in three (3) to five (5) years time.

The Regional Council promised to show strong leadership for the possible move towards a Regional Authority and Regional Autonomy. The Council concluded:

The Council does not want to race “too far ahead” of Aboriginal communities in determining how business should be done to maximise benefit to the community under revised regional arrangements.⁹

⁹ *Decision making at the community level*, a Discussion Paper, p. 34.