CHAPTER 9
A Preliminary Model of Regional Governance

The second stage discussion paper proposed that the actual model of the Regional Authority would contain some of the elements identified in the case studies. It would be a locally-defined political entity with features borrowed from other instances of Indigenous self-governance.

The achievement of regional autonomy assumed that the Authority:

- Decides its own system of elected representation to reflect local realities (as with NT Community Governments);
- Determines its own operational procedures (including matters such as policy and portfolio committee membership);
- Decides which functions it performs and how these are to be implemented;
- Is empowered to conduct – on behalf of agencies of other spheres of government – such functions as it sees as needed by their communities; and
- Assumes control over its own staffing, as it determines its own needs.

The discussion paper identified several matters that had to be considered with regard to not just establishing a Regional Authority, but how it was to be structured and how it would operate.

These were:

- The governance structures;
- Internal governance arrangements;
- Intergovernmental relations;
- Staffing procedures; and
- Community Working Parties.

The discussion then went on to consider two models:[1]

Model 1:
It would be based upon the existing structure. Thus it would have the current Regional Councillors elected at large as presently occurs through ATSIC elections, with either an Advisory Council comprising the Chairpersons of the Community Working Parties, or else those CWPs not represented on the Council could have members with speaking but not voting rights.

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[1] Rolf Gerritsen, *Regional Autonomy Discussion Paper for Community Consultations*, Murdi Paaki Regional Autonomy Project, 2001, pp.16-17.

Model 2:

It would be based on the Torres Strait and Navajo examples. Thus the Regional Authority would be constituted by the delegates of each Community Working Party, with a Chair and Portfolio Committees elected from these delegates. The Regional Authority would perhaps meet only three or four times annually, with the day-to-day running of the Authority being carried out by the Portfolio Committees under the direction of the Chairperson. Larger Aboriginal communities might have extra delegates based upon their greater Aboriginal population. This option would have simpler (and cheaper!) electoral processes; each community could determine how it would elect/appoint its delegate/s.

Whatever model was chosen, the role of Community Working Parties needed to be clarified. The discussion paper identified three issues.

Firstly, under the assumptions of the Regional Authority model, the CWPs had the important task of determining how the Authority's policy was to be applied locally. The CWPs had no administrative back-up, which made it difficult for them to disseminate information, assemble submissions, etc.

Secondly, legal opinion suggested that the CWPs, as then constituted, could not be legally accountable for policy implementation. This was partly because they included representatives of agencies of other governments.

The discussion paper suggested that this problem could be solved by an incorporated agent acting to deliver the policy outputs determined by the CWP. Organisations such as CDEPs or business groups could act in this way. Alternatively, the Regional Council could create a company (eg Murdi Paaki Regional Services Pty Ltd) with itself as the single shareholder. Service agreements would be between the Authority and State/Commonwealth Departments, but the funds would be delivered to the Authority's company.

Finally, the organisation of the Working Parties, particularly the nature of representation on them, had to be considered. Guidelines, therefore, needed to be developed on who was represented and how the Working Party should operate.

The discussion paper, in outlining the way forward to create the Murdi Paaki Regional Authority model, identified a number of key issues on which the Council would have to consult communities. These issues included:

- The powers of the Community Working Parties. The issue is not so much the fact that the Working Parties will implement Regional Authority policy in their community, but their accountability requirements;
- The means of funding the Working Parties. To reduce disputes, a formula should be developed based upon the Commonwealth Grants Commission recommendations on funding Local government. This would recognise that the communities of the Murdi Paaki region will have different levels of need;
- The representation of the Community Working Parties on the Regional Authority; and

- The role and/or rights of those members of the Murdi Paaki region Aborigines who are temporarily resident elsewhere.

The discussion paper canvassing models for regional autonomy identified uncertainties that might inhibit or delay progress towards new institutional arrangements. It concluded, however, that 'The political opportunity exists, here and now, for the Council to create a Murdi Paaki Regional Authority.'[2]

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[2] Rolf Gerritsen, *Regional Autonomy Discussion Paper for Community Consultations*, Murdi Paaki Regional Autonomy Project, 2001, p. 21.