

CHAPTER 11

A 'Preferred' Model of Regional Autonomy

The strategy emerging from the Council's deliberations proposed two stages in the future development of new governance and representative arrangements.¹ The stages were:

- Greater community participation within the framework of the existing *ATSIC Act*, building on existing arrangements; and
- Strengthening the powers of the regional governing body and achieving greater recognition of its governance role, involving amendments to the *ATSIC Act* to establish a regional authority.

Fundamental to the regional Council's goals were:

- To develop an acceptable model of a regional organisation that would exercise autonomous powers within the Murdi Paaki region; and
- To have the capacity to enter into regional service agreements with State and Commonwealth departments or act as their agents in their service delivery to the Aboriginal people of the region.

The Council confirmed its view that these arrangements might best be achieved through the creation of a Murdi Paaki Regional Authority.

A phased approach reflected the reality that the achievement of more extensive reform, to meet the Regional Council's goal of greater autonomy, would require changes to the *ATSIC Act*, and would necessarily be a longer term process.² There was also no national policy position on regional authorities within the *ATSIC* system. It was recognised at the outset that there were significant limitations as to what could be achieved without legislative change.

In these circumstances, the first stage was founded on the scope to improve community participation in decision-making by making better use of the existing provisions of the *ATSIC Act* under which all Regional Councils were established. The proposals were based around:

- Greater community input through a strengthened system of Community Working Parties;

¹ Murdi Paaki Region: *Strengthening Regional Governance and Building Community Participation: A Draft Strategy*, February 2002.

² Any proposals involving change the *ATSIC Act* would first have to clear a number of hurdles, including the endorsement of the Commission, the support of the Minister, and the agreement of Cabinet. After that, they would have to take their place among other priorities before it came before the Parliament - which might or might not agree with them. It is sobering to note that, four years on from the Commission's report to the Minister on its review of the operations of the Act (the s.26 report), even those proposals which were endorsed by Cabinet have yet to be placed before the Parliament.

- Establishment of a Regional Forum, comprising representatives of the Community Working Parties, to work alongside and advise the Regional Council; and
- Negotiating a stronger voice and a more substantive role for the region in the development and implementation of programs and the delivery of services for its Indigenous people.

The focus of stage one was on community participation in planning, service delivery, the measurement of community well-being and the assessment of impacts from agency programs.

OUR GUIDING PRINCIPLES

The Murdi Paaki Regional Council is clear about where the future will take us:

We seek:

Empowerment and control through planning, community participation and coordination;

Leading to:

More efficient and effective service delivery and better outcomes for our people measured in terms of our community well-being and the impact of programs on our lives;

We will do this by:

Bringing together all stakeholders to act in unison with each other in accordance with the wishes of the people and accountable to them through a more inclusive representative regional framework that promotes agreements, partnerships and new funding arrangements.

As well as strengthening the operations of Community Working Parties, the proposal envisaged establishing a Regional Assembly to operate alongside the Regional Council and to advise it on community issues.

Each Working Party would elect a person to be a member of the Assembly. The aim was to give them a direct say in regional decision-making through a structured and inclusive process. This was in accordance with the policy position that Community Working Parties were to be the centre of new governance arrangements and the focus of participatory planning and community development in the region.

The collaborative, co-ordinated approach to funding through the Working Party structure had already contributed to social and economic sustainability of the community. There had also been a growth in community

confidence and assertive citizenship within the community.

The proposed arrangement was presented to communities as the Council's preferred model.

The operation of Community Working Parties would continue to reflect the way individual communities wished to do business. Their form and structure would be flexible to meet community requirements. Communities were to be consulted separately on the structure of Community Working Parties.

Stage one had the advantage of being able to be implemented under the existing *ATSIC Act*.

Key aspects of the proposal were:

- The governance arrangements under stage one would operate within the framework of the existing *ATSIC Act* 1989;
- The Regional Council would continue to be elected under the existing ward system in accordance with the Act;
- Communities would choose Community Working Parties who, in turn, would choose members for a Regional Assembly;
- The Assembly would be an advisory forum and would be established as an advisory committee under s. 96 of the *ATSIC Act*;
- The Assembly would meet twice a year;
- It would advise the Regional Council on planning, service delivery, funding, priorities and the impact of programs. It would be serviced by the Regional Council administration as an instrument of regional governance; and
- The Regional Council would report to the Assembly on its funding proposals and outcomes.

The Council expected the role of the Assembly to evolve and expand over time, but primarily its task would be to ensure that the views of the communities were made known to the Regional Council, to receive and consider reports from the Council on its activities and programs, and generally to act as a conduit between the communities and the Council.

The longer term objective would be to have the *ATSIC Act* changed to allow specifically for the establishment of a Regional Assembly or similar body to replace the Regional Council.

Stage two of the process involved more substantial reform to strengthen the role and powers of the Regional Council. This would require either the creation of a Regional Authority or amendments to the *ATSIC Act* to give the Council powers similar to the Torres Strait Regional Authority.

The Council argued that greater regional autonomy could be advanced by a redesign of Part Three of the *ATSIC Act* as it related to Regions. This could be done by using the existing language of the Act. In this way, a regional Council could have powers similar to a regional authority while remaining within the *ATSIC* framework.

A community discussion paper prepared by the Regional Council

informed Aboriginal and Torres Strait Islander people in the region of the proposed framework and sought their feedback through face-to face contact at a series of community meetings.

In his preface to the discussion paper, the Chairman of the Murdi Paaki Regional Council, Mr. Sam Jeffries, said the Council aimed to ensure that communities played a central role in developing and implementing strategies for their own improvement and have a voice in all matters that affected them. The proposed arrangements provided an opportunity for communities, individually and collectively, to advise on future policy directions and outcomes for the region, building on their own traditions, values and assets.

Mr. Jeffries said:

The Council sees the way forward as being to strengthen individual, family and community well-being, implement specific improvement initiatives and reforms, and replace dependency with self-reliance while acknowledging that these things cannot be achieved overnight. Participating in, exercising control over and being responsible for the design, delivery and management of programs is a pathway to self-determination. These structural arrangements also seek to help in mediating and overcoming racial differences and build positive and productive relationships with the wider community for the common good.³

The discussion paper argued that a system of regional Indigenous governance would act as a bridge between Aboriginal tradition and modern local government. Its recognition would create a legitimate order of governance alongside and integrated with Commonwealth, State and local government as a pathway to Indigenous self-determination.

The paper went on:

Such recognition will enhance the powers of regional governing bodies to represent the interests of Aboriginal and Torres Strait Islander people. These powers would involve being able to negotiate with, coordinate, enter into funding arrangements and agreements with other spheres of government and agencies, and integrate programs and services.

In this way effective governance arrangements can provide Aboriginal and Torres Strait Islander communities, within the Australian federal system, with the opportunity and capacity to:

- Provide leadership within the authority structures of Indigenous cultures;
- Determine measurements of community well-being as a framework for government programs and against which their performance can be judged;
- Manage, to the extent possible, our own affairs through the devolution of decision-making and program management;
- Advocate our interests and negotiate improved outcomes;
- Ensure effective coordination of inputs and of the Government and Indigenous sectors;
- Ensure accountability, effectiveness and efficiency in the delivery of services;
- Support the performance of local government and non-government

³ Murdi Paaki Regional Council, *Building community participation and strengthening regional governance*, A Community Discussion Paper.

- organisations and the capacity of communities to determine their own futures;
- Promote sustainable development based on the realities of community economies and circumstances;
 - Provide institutional arrangements to ensure full participation of Aboriginal people in the formulation and implementation of government policies and programs that affect them;
 - Link all spheres of government in the national interest; and
 - Build an inclusive Australian society that gives proper recognition to Indigenous peoples.⁴

At the end of the consultation period, the Council authorised the consultants to prepare a final report on a proposed ‘preferred’ model for regional autonomy.

⁴ Murdi Paaki Regional Council: *Building community participation and strengthening regional governance*, A Community Discussion Paper.