

## CHAPTER 12

### **Towards a New Framework of Community and Regional Governance**

The consultants presented their report to the Murdi Paaki Regional Council on 1 July 2002<sup>1</sup>. The report was entitled: *Working Together: A proposed framework of regional governance for the Murdi Paaki Region of New South Wales: A report to the Murdi Paaki Regional Council*. It was sub-titled: *A new way of doing business: A stronger voice for communities, Better outcomes for Aboriginal and Torres Strait Islander people and families*.

The report represented the third stage of the Murdi Paaki Regional Council's commitment to develop a new framework of regional governance and service delivery arrangements for Aboriginal and Torres Strait Islander people in the Murdi Paaki Region of New South Wales.

The Council saw this as a practical response to current policies in Indigenous affairs and the needs of Aboriginal and Torres Strait Islander people in the Murdi Paaki region to achieve what had been described during consultations as the 'triple bottom line' – community, economic, and environmental outcomes.

The report was in two parts. This reflected the proposal outlined in the report to stage the further development of Murdi Paaki regional autonomy. The proposals aimed to reform Indigenous governance arrangements in the Murdi Paaki region in a gradual, evolutionary manner.

Stage one required no changes to the Act. The assumption was that it would, therefore, be technically possible for the Regional Council to proceed to establish a Regional Assembly comprising representatives of Community Working Parties as an advisory committee.

Stage two required changes to the Act which would need to be negotiated with ATSIC and the Minister.

The focus of the Murdi Paaki Regional Council's commitment was to strengthen the role and participation of the 16 major and seven associated smaller communities in regional decision-making and service delivery in ways more directly relevant to the circumstances of the region's 7300 Aboriginal and Torres Strait Islander people and to improve outcomes for them.

The governance framework was offered as being consistent with existing policy directions of the Commonwealth and NSW Governments and the Council of Australian Governments (COAG) with their primary focus on outcomes, improving access to mainstream programs, and better targeting Indigenous-specific programs to areas of greatest need, including remote locations.

Inherent in prevailing policies was a commitment to improve the well-being of Aboriginal and Torres Strait Islander people, families and communities, support for good governance, capacity building within

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<sup>1</sup> *Working Together: A proposed framework of regional governance for the Murdi Paaki Region of New South Wales, 1 July 2002.*

Aboriginal and Torres Strait Islander communities, redesigning programs and services, working together, increasing Aboriginal and Torres Strait Islander participation in decision-making, sharing responsibilities, and reviewing funding arrangements.

The report drew on the outcomes of all three stages of the extensive consultation and negotiation process to provide a composite view of how the Murdi Paaki Regional Council had arrived at its present position.

The report noted that the entire process had demonstrated consistency in core aspects of the Murdi Paaki Regional Council's desire for greater regional autonomy throughout the extended consultation period. These included:

- The Murdi Paaki Regional Council's vision to establish a framework of governance built around a Regional Authority and true community control to deliver greater autonomy in decision-making;
- Acknowledgment that governance is about respecting the right of Aboriginal and Torres Strait Islander communities to make decisions about their own development, ensuring they have the capacity to take responsibility, and the need for governments to be responsive to community needs;
- Recognising that communities will continue to need assistance in partnership with government for those matters beyond the powers of communities to fix resulting from historical circumstances;
- Promoting the community interest as the foundation stone for the way regional business is to be done;
- Offering government a legitimate representative structure at community level to secure effective investment in those communities to support individuals and families;
- Support from communities for direct participation in regional decision-making to make it more relevant to them and give them greater ownership of it;
- Recognition of the important role community working parties have played as a cornerstone in improving service delivery and laying the foundations for the next phase;
- Acknowledgment that the functioning of community working parties opens the way for a form of community Council status, structurally linking good governance and service delivery;
- A focus on community well-being as the indicator of outcomes, determined in the environment of the individual, family, clan group and community; and
- The evolutionary nature of the path that has been followed.

The report outlined two stages to achieve the goal of the Murdi Paaki Regional Council:

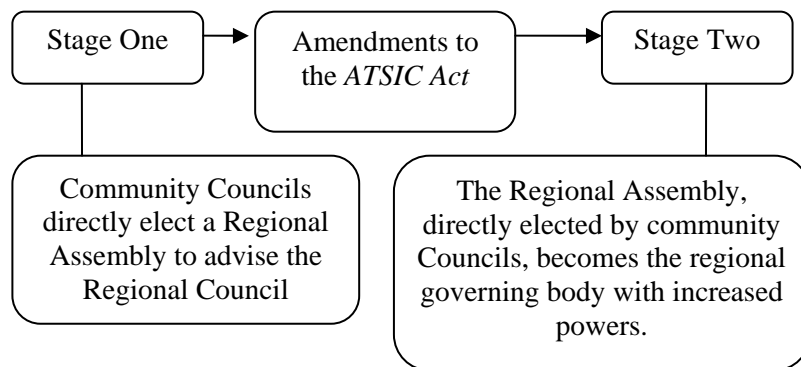
- (a) Transitional arrangements within the framework of the existing *ATSIC Act* involving the creation of a Regional Assembly comprising representatives of communities as an advisory body to the Murdi Paaki Regional Council under s.

- 96 of the Act, which provided for Regional Councils to establish advisory committees; and
- (b) The negotiation of amendments to the *ATSIC Act* 1989 to facilitate a Murdi Paaki Regional Authority with direct participation by 16 Indigenous community Councils as a new regional governance framework.

The proposed scheme of governance was to fit within the Federal framework of Australian governance linking all spheres of government to the achievement of better outcomes for Aboriginal and Torres Strait Islander people.

The framework was portrayed as a new way of doing business between government and Indigenous communities.

### A TWO-STAGE PROCESS



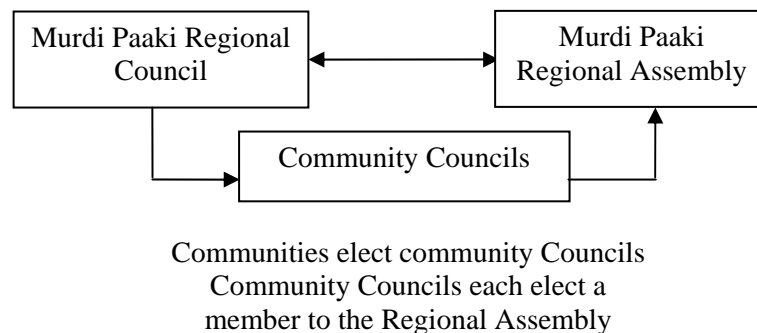
Key features of the framework were:

- Represents the vision of the Murdi Paaki leadership incorporated in its strategic planning process;
- Grows out of the experience of community working parties;
- Builds on existing legislative, institutional and inter-governmental arrangements;
- Establishes a governance structure owned, accountable to and deriving its legitimacy from communities with direct links to individuals and families;
- Ensures that communities direct the development agenda with the regional decision-making body providing a leadership, coordinating, negotiating, funding and accountability role in support of communities;
- Is both a tool and a process to improve services and the effectiveness of public investment;
- Connects all partners in the development process;
- Conforms with a 'whole of governments' approach being adopted by all spheres of government underpinned by the Council of Australian Governments;

- Aligns Government outcomes with community needs and expectations through effective partnerships and negotiation.

The framework aimed to establish a new relationship between communities, a regional body that directly represented their interests, and government to improve outcomes for Aboriginal and Torres Strait Islander people in the Murdi Paaki region.

**MURDI PAAKI REGIONAL GOVERNANCE: NEW ARRANGEMENTS (STAGE ONE)**



The framework specifically distinguished between governance and service delivery but linked them structurally through elected community representation and engagement with service providers.

This connection was explained in the following way.

The governance focus is on direct community participation in and ownership of regional decision-making. Good governance is about the way decisions are made, who makes them and with what result. It requires that:

- Communities have real decision-making power;
- Organisations are effective, well-managed and accountable;
- The institutions of governance have legitimacy by incorporating Indigenous cultural values, beliefs and practices; and
- Indigenous people have the resources to engage strategically with government.

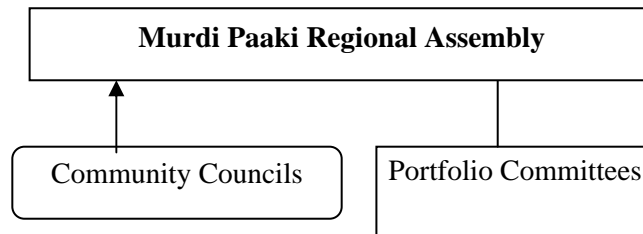
The supporting structural arrangements provide a framework of:

- Community representation;
- Strategic planning and direction; and
- Coordination and management of the delivery of services by Government agencies and Indigenous organisations in accordance with the goals, priorities and desired outcomes of Aboriginal and Torres Strait Islander communities.

At the time regional Councils under the *ATSIC Act* were elected on a ward basis. They were limited to a maximum of five wards. The Murdi Paaki

Regional Council had two wards with 11 elected representatives.

**MURDI PAAKI REGIONAL GOVERNANCE: NEW  
ARRANGEMENTS (STAGE TWO)**



Each community elects a community Council  
Each community Council elects a member of the  
Regional Assembly

Within the legislative framework provided by an amended *ATSIC Act*, a regional authority and 16 Indigenous Community Councils would be established, with each Council electing a member of the Authority. Smaller communities would be associated with larger Councils.

The choice of 'Council' instead of Community Working Party demonstrated the Council's commitment to separating elected community representation and government and non-government organisations providing services. The Council would be the strategic planning and decision-making body, and community working parties would join community representatives and service providers in a planning and implementation forum, similar to the way they had developed from their origins.

The service delivery arrangements aimed to align government program and service objectives with community needs and aspirations through a consultative and negotiation process at the community level. The overall aim was to overcome fragmentation, promote inter-sectoral collaboration, and provide a mechanism to pool funding to achieve a single stream delivery.

It was the strong view of the Murdi Paaki Regional Council, underpinned by its Strategic Plan, that good governance was central to achieving better outcomes for Aboriginal and Torres Strait Islander peoples. This had been a consistent theme in its strategic planning.

The outcome sought was to improve community well-being measured through:

- Economic improvement;
- Responsiveness of government;
- Reduced social problems;
- Higher individual self-esteem;
- Better services; and
- Improved race relations.

A fundamental aspect of community empowerment was that the regional body would both represent and act as a resource for communities, performing regional planning and coordinating functions, and providing administrative support for community decision-making.

The report noted that the governance framework had been developed within the existing provisions of the *ATSIC Act*. It was the view of the Murdi Paaki Regional Council that, based on its experience, and the achievement of specific service delivery outcomes, the Act could provide a national framework for Indigenous governance, similar in purpose and process, by way of example, to the way the *Northern Territory Local Government Act* created community government Councils with specific functions; and Community Services legislation in Queensland.

The argument was couched in the following terms:

- ATSIC provided a national representative and funding framework. It derived its authority from its legislative functions and its accountability through its structure of the Commission and regional Councils;
- It promoted Indigenous participation in decision-making, facilitated coordination of services, and negotiated framework agreements and funding arrangements. It linked Commonwealth, State, Local Government and Indigenous sectors and provided a continuing Commonwealth interface in Indigenous affairs at the regional level;
- The *ATSIC Act* could provide a legislative framework for establishing Indigenous governance institutions that reflected Indigenous culture and individual community circumstances and needs; and
- Amendments to the Act would enable it to achieve its full potential as a framework of Indigenous governance, including provisions enabling the creation of Indigenous Community Councils such as the Murdi Paaki Region proposes.