

CHAPTER 13

The Murdi Paaki Regional Governance Framework

This chapter summarises the details of the Murdi Paaki Regional Governance Framework as developed by the consultants and endorsed by the Regional Council.

Objectives

The Murdi Paaki Regional Council's regional governance framework has the following objectives:

- Ensure full participation by communities in the formulation and implementation of policies that affect them;
- Promote community self-management, self-sufficiency, community decision-making and control of the way services are provided;
- Further the economic, social and cultural development of Aboriginal people in the region;
- Ensure regional coordination of policies, programs, services and funding by all levels of government.

The Framework

- The Murdi Paaki Regional Governance framework is to be established under the *ATSIC Act* 1989;
- The framework departs from existing structures under the *ATSIC Act* by establishing a new relationship between communities and a regional body that directly represents their interests. At present regional Councils are limited to a maximum of five wards;
- Within the legislative framework provided by an amended *ATSIC Act*, a Regional Assembly and 16 community Councils would be established. Some smaller communities would be clustered with larger Councils; and
- A fundamental aspect of this empowerment is that the regional body will both represent and act as a resource for communities, performing regional coordinating functions, and providing administrative support for community decision-making.

The Policy Context

- The Minister for Immigration and Multicultural and Indigenous Affairs, the Hon Philip Ruddock, has stated that: 'Well-functioning communities and organisations that respond to individual and family needs are essential for development;'
- The Commonwealth Government supports the need for local

decision making. The Murdi Paaki Regional Council's proposals fit within the Council of Australian Governments' commitment to do something about the social and economic disadvantages experienced by Indigenous Australians;

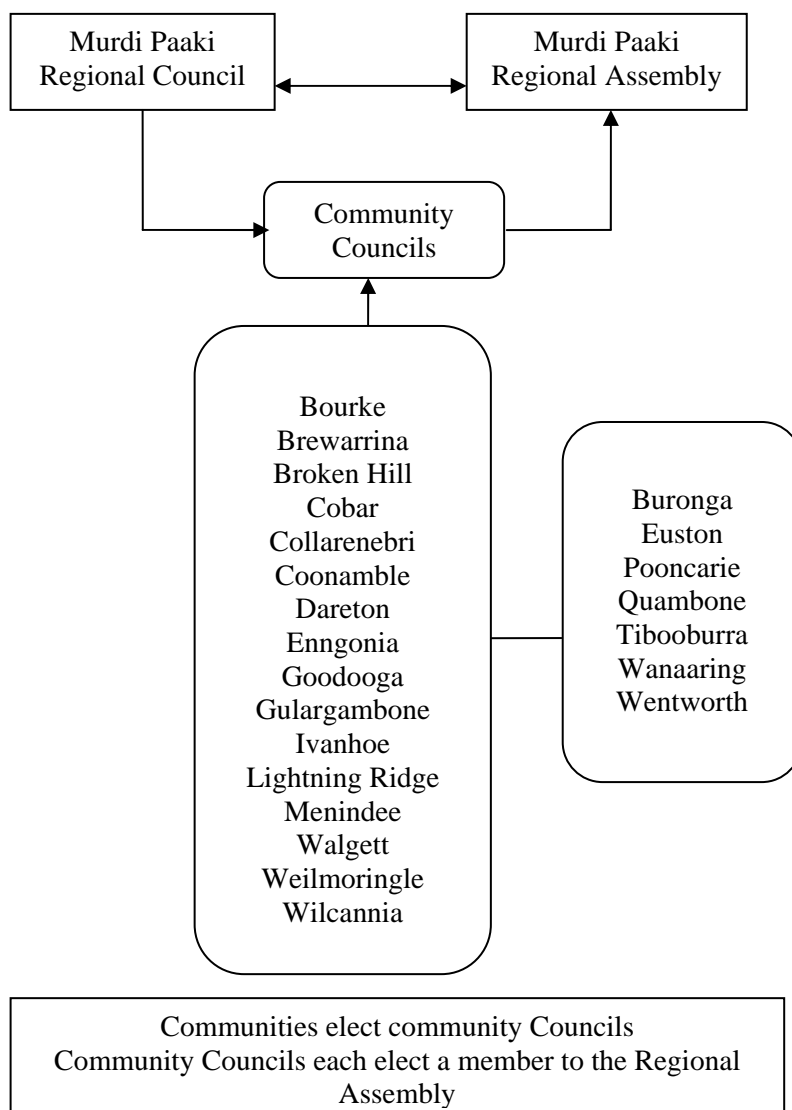
- COAG realises that Governments can make a real difference in the lives of Indigenous people by overcoming social and economic disadvantage, and improving governance and service delivery arrangements with Indigenous people;
- Its approach is based on partnerships and shared responsibilities with Indigenous communities, programme flexibility and coordination between government agencies, with a focus on local communities and outcomes. Its priorities are leadership, reviewing and re-engineering programs to assist Indigenous families and promoting Indigenous economic independence;
- A key aspect of its approach is a 'whole-of-governments' cooperative approach to improve the way governments work with each other and with communities to take more effective action to meet the needs of Indigenous Australians; and
- A flexible approach will reflect the needs of specific communities; build on existing work and improve the compatibility of different State, Territory and Commonwealth approaches to achieve better outcomes.

The Next Steps

The Murdi Paaki Regional Council proposes two stages:

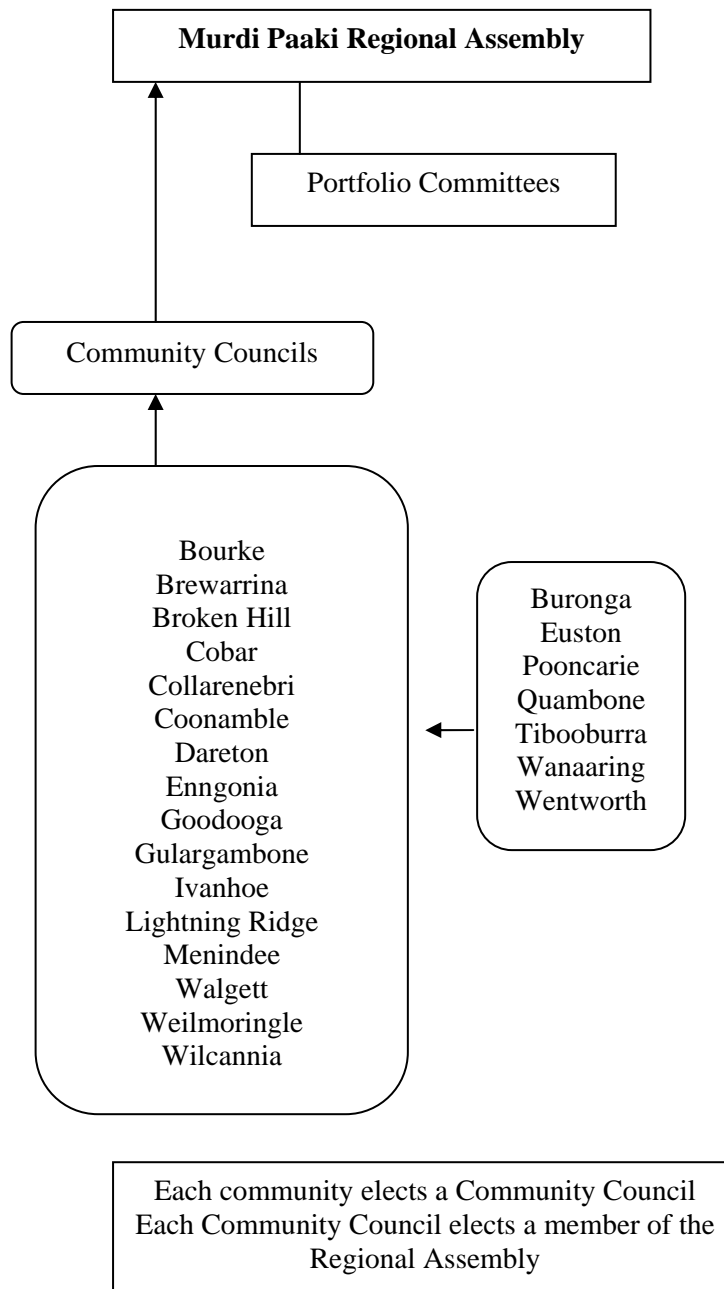
- (1) Using its present powers under the *ATSIC Act* to give communities a direct voice in the Council's decision-making by establishing a Regional Assembly directly representative of communities to advise the Council; and
- (2) Negotiating with ATSIC and the government to change the Act so that, in the future, community Councils (which will grow from the present community working parties) will directly elect a Regional Assembly.

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



- In Stage 1, a Regional Assembly will be established. Each Community Council will elect a member of the Assembly, which will advise the Regional Council on priorities. The proposal builds on community working parties which have already been established in the region to work with government agencies and Aboriginal organisations. The Council believes this can be done under the existing *ATSIC Act*.

MURDI PAAKI REGIONAL GOVERNANCE: NEW ARRANGEMENTS (STAGE TWO)



- Stage Two will involve making the Regional Assembly the decision-making body with powers similar to that of the ATSIC itself. Communities, through their own Councils, will have a direct say in the management of the region. The structure will replace the existing ward system. This will require amendments to the *ATSIC Act*;
- Amendments to the Act will create a new governance structure comprised of community Councils and a Regional Assembly with decision-making powers similar to ATSIC itself.

A Central Role for Communities

- The Murdi Paaki Regional Council aims to ensure that communities play a central role in developing and implementing strategies for their own improvement and have an effective voice in all matters that affect their people;
- The framework provides an opportunity for communities individually and together to define future policy directions and outcomes for the region, building on their own traditions, values and assets;
- A central feature will be the accountability of Aboriginal organisations to community Councils.

Non-Government Organisations

- Governance occurs at a number of levels:
 - The Commonwealth Government;
 - The NSW Government;
 - A regional body;
 - Community Councils; and
 - Non-government organisations.
- Aboriginal organisations have a long history of empowering and providing services to our communities, ranging from organising sporting functions to legal services;
- Each organisation has its own membership and governance arrangements and performs specific functions. They have a three-way accountability – to the agencies who fund them, to their members, and to the Aboriginal communities they serve;
- Aboriginal organisations join with other service providers – Commonwealth, State and local government – in meeting the needs of Aboriginal communities;
- Community Councils will determine which Aboriginal organisations deliver services funded by the Regional Assembly;
- All agencies must work together in association with communities to ensure better outcomes. Community Councils will promote coordination of inputs through the creation of community working parties bringing community representatives, government agencies and non-government organisations together.

Widening the Base of Representation

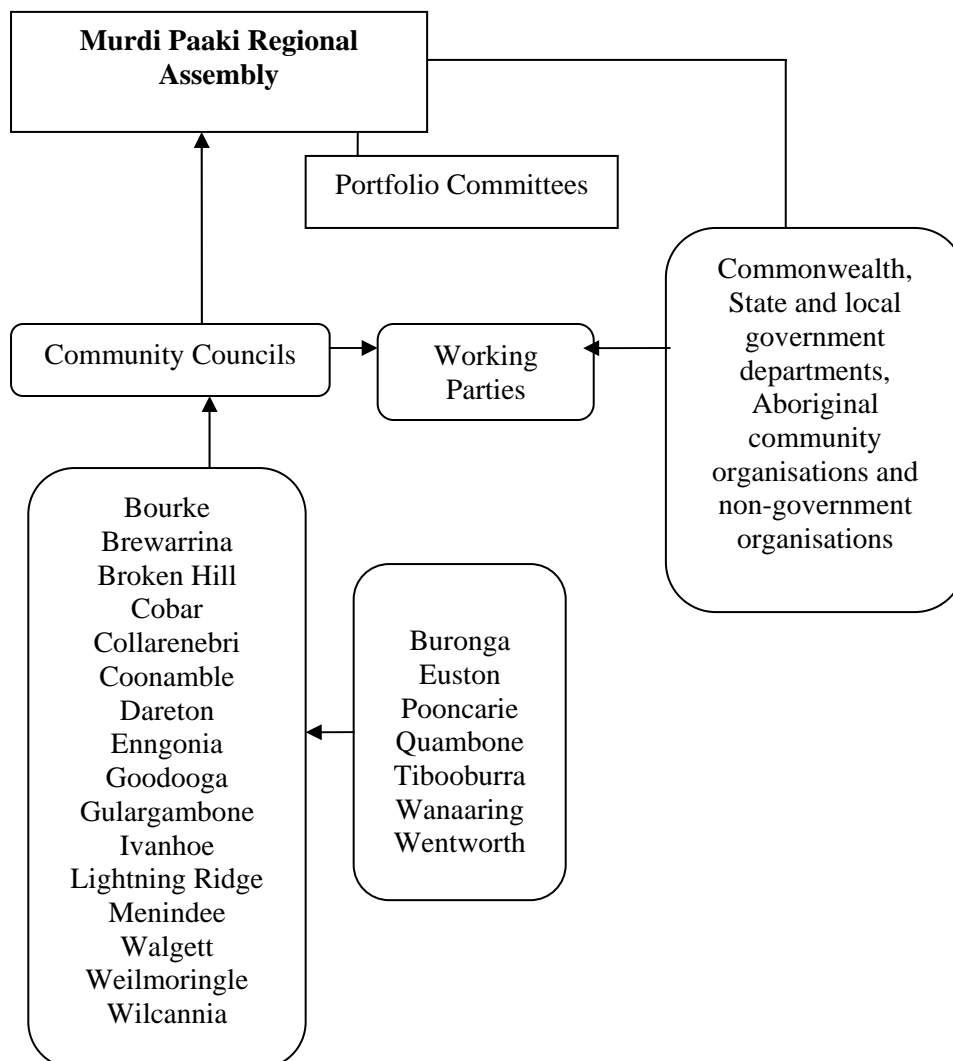
- The Murdi Paaki proposal aims to widen the base of community representation and to ensure that the service delivery of all players in the development process is accountable to the community as a whole through joint working parties;

- We have structured our community participation and accountability processes at two levels to achieve this:
 - Firstly through Community Councils; and
 - Secondly through a regional governance structure.

- Working parties established under the authority of community Councils will ensure proper coordination of the design and provision of services at the community level with the direct involvement of service providers participating with and being accountable to the community.

These arrangements are set out in the diagram below:

MURDI PAAKI REGIONAL GOVERNANCE: WORKING PARTY ARRANGEMENTS

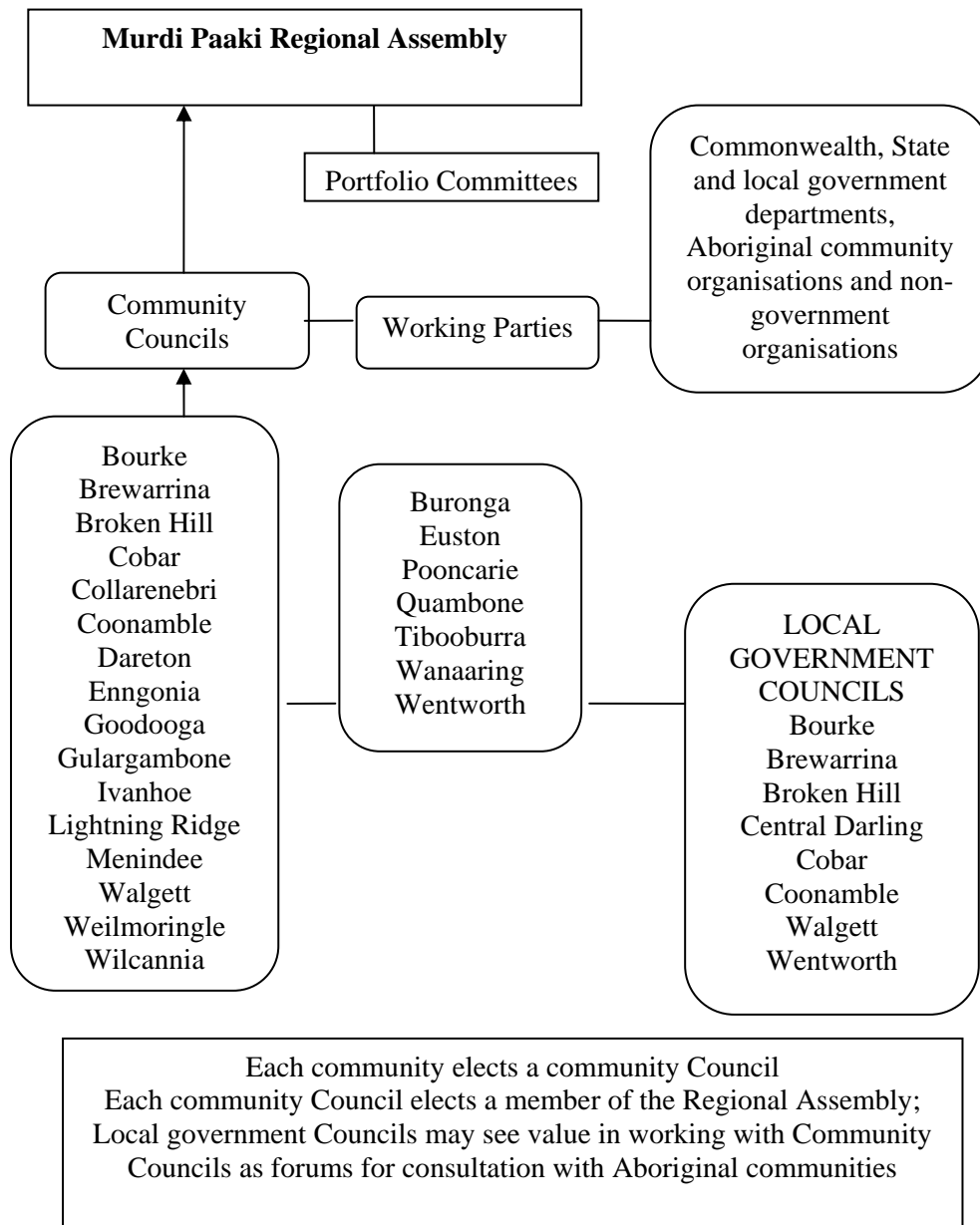


Role of the Regional Assembly

- The functions and powers of a Murdi Paaki Regional Assembly will be exercised in the interests of communities, acting and negotiating on their behalf where regional coordination will assist community decision-making;
- The arrangements will not interfere with relationships Community Councils establish directly with Commonwealth and State agencies;
- A Regional Assembly will be a conduit for channelling and coordinating funding for communities;
- Its value lies in its negotiating and coordinating role and its capacity to enter into agreements and funding contracts on behalf of communities, giving a regional voice, and strengthening the capacity of communities; and
- In the longer term, the framework provides an opportunity to establish effective working relations with local government, ensuring that local government Councils are better informed of Aboriginal community needs and deficiencies in services.

These arrangements are set out below:

**MURDI PAAKI REGIONAL GOVERNANCE:
FINAL STAGE**



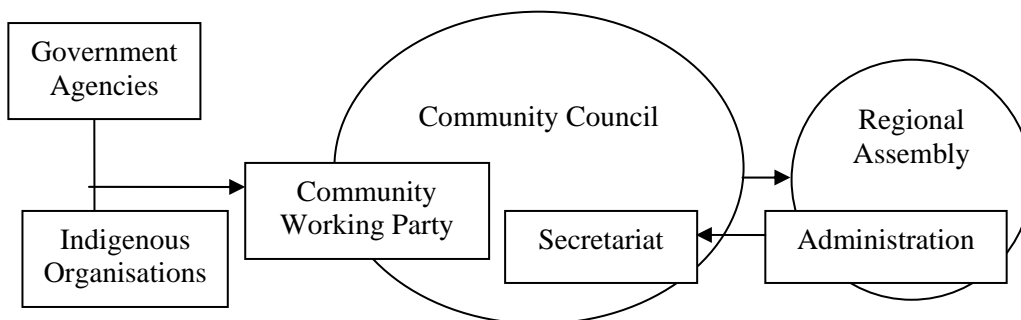
Operational Management

The proposals involve a change in the way the regional governing body will do business. The administration of the Regional Assembly will provide a coordinating, funding and support mechanism to facilitate the operations of community Councils and working parties.

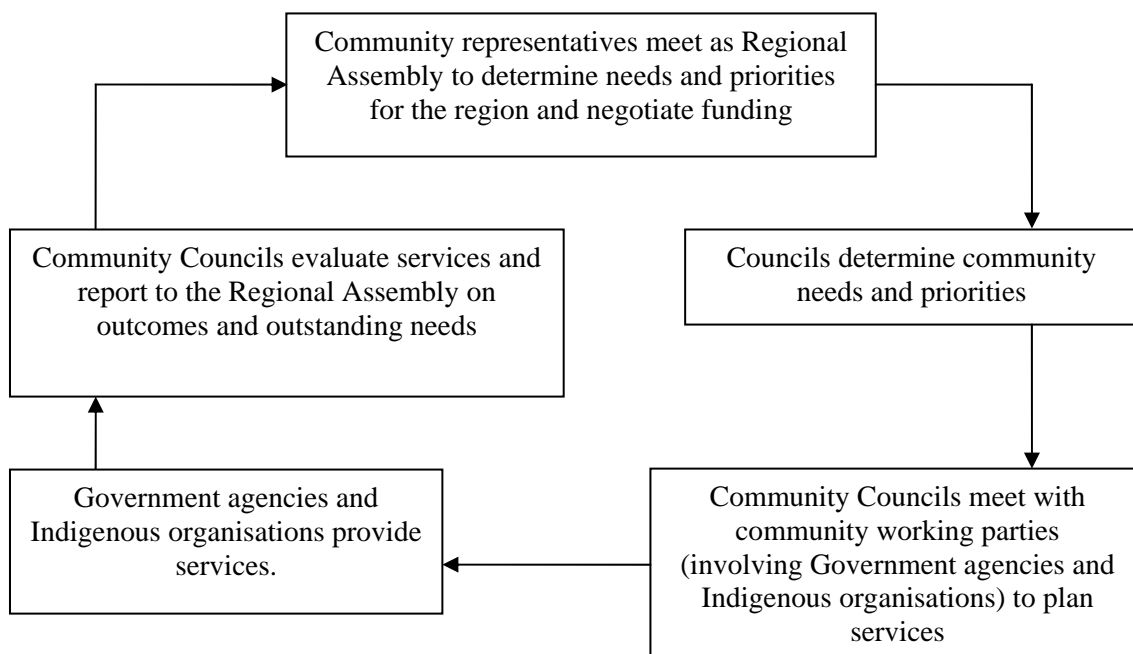
Secretariat assistance for community Councils and the operations of community working parties may be provided either directly by the Regional Assembly administration or through an existing community organisation.

The following chart indicates the operational arrangements under the new scheme.

REGIONAL GOVERNANCE WORKING ARRANGEMENTS



THE DECISION-MAKING AND SERVICE DELIVERY CYCLE



Functions and Powers of a Regional Assembly

A. Functions

- Represent and advocate the interests of Aboriginal communities and people in the region;
- Maintain and protect Aboriginal customs and traditions;
- Provide coordination to ensure the equitable distribution of funding to communities;
- Negotiate funding arrangements with government agencies to meet the needs of communities;
- Implement programs, approve funding, and develop policy proposals on behalf of communities;
- Monitor, on behalf of communities and in negotiation with them, the effectiveness of programs provided by government bodies, and report annually on their impacts;
- Prepare a development plan for the region based on the aspirations and needs of Aboriginal communities as presented in community plans;
- Provide advice to the Minister; and
- Help, advise and cooperate with ATSIC, local government, and State and Commonwealth agencies.

B. Powers

- Negotiate and receive direct funding for the benefit of the region;
- Approve funding for programs and projects in accordance with community priorities;
- Engage staff;
- Cooperate with ATSIC and government bodies;
- Enter into funding and other agreements for the provision and coordination of services;
- Enter into service contracts with Aboriginal organisations; and
- Other powers to enable the effective performance of its functions.

Functions and Powers of Community Councils

Community Councils will be a natural development from Community Working Parties which have been a key component to the success of many regional projects. They will be at the centre of the regional planning and decision-making process.

A. Functions

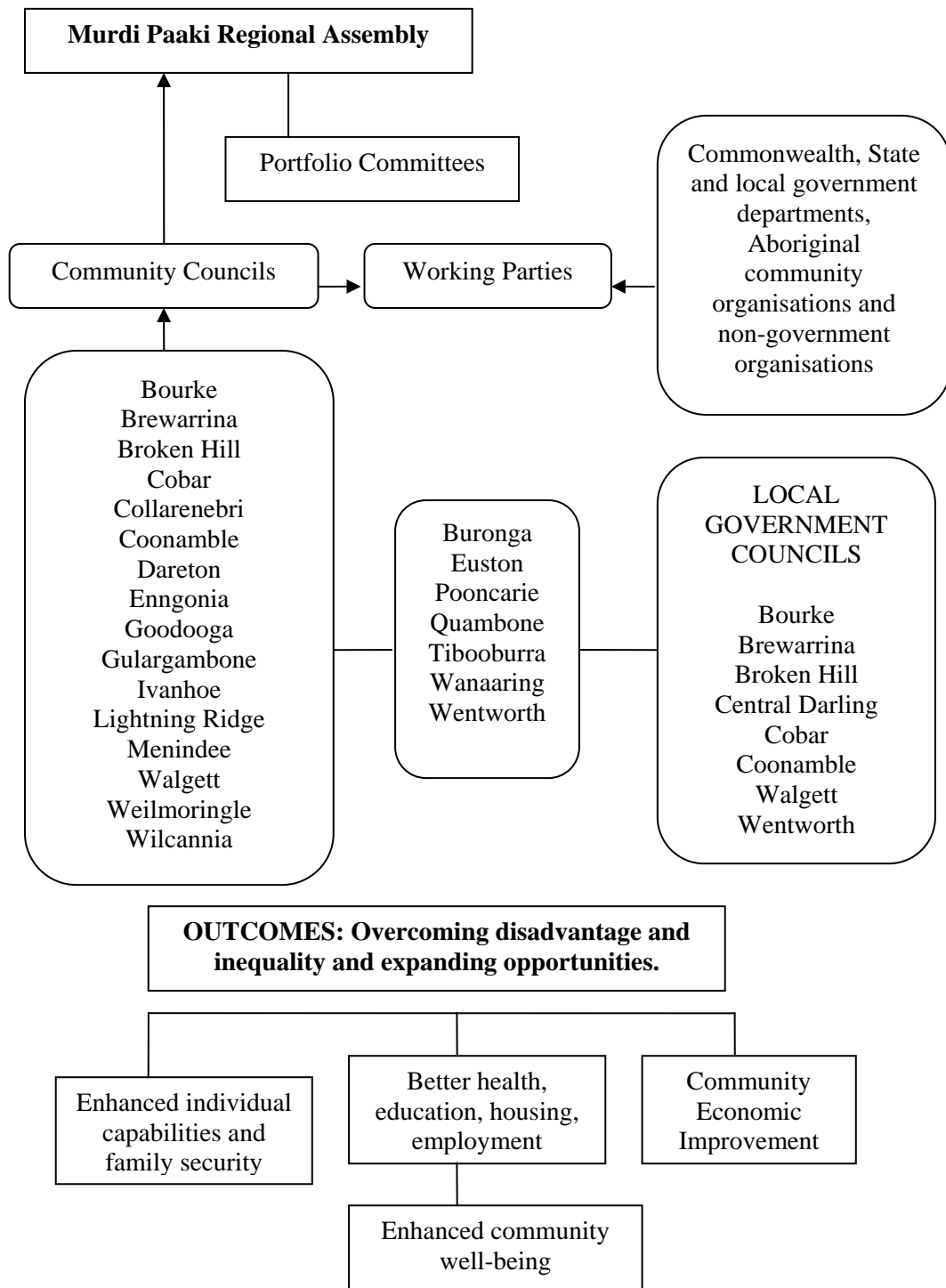
- Represent the interests of the community and Aboriginal people at the community and regional level;

- Elect a member to the Regional Assembly;
- Formulate, maintain and implement a Community Plan that:
 - Served the interests and needs of the community;
 - Informed the Murdi Paaki Regional Plan; and
 - Informed the plans of Government for funding and providing services within the community.
- Be a signatory to a range of service agreements with agencies and organisations;
- Monitor the performance of agencies and non-government organisations to ensure responsiveness to community plans;
- Develop with agencies and non-government organisations a three year rolling program; and
- Agree on performance indicators and outcomes based on measurements of community well-being determined by the communities themselves.

B. Powers

- Negotiate agreements with government agencies and non-government organisations for the provision of services;
- Advise on funding priorities based on community needs;
- Report to the regional Council on the impacts of services provided by government agencies and non-government organisations;
- Establish community working parties to link the community, Government agencies and non-government organisations in the planning and service delivery process; and
- Assess the performance of non-government organisations.

**MURDI PAAKI REGIONAL GOVERNANCE:
OUTCOMES**



Overall the report concluded that the new arrangements could light the way for community capacity building, and contribute materially to achieve the goals of the government and of ATSIC for stronger communities and for devolution of decision-making to the regional and local levels.

The report identified a number of matters to be considered before the Assembly could be brought into existence. These included:

- Arrangements for the representation of smaller communities on community working parties;
- Settling on the role and functions of the Assembly, and its relationship to the Regional Council;
- Defining how Assembly members were to be chosen, including terms of appointment, and who can and cannot be members of the Assembly;
- Rules for the conduct of Assembly business, the election of a President and Deputy President, and definition of their roles, and for such things as resignations, casual vacancies, and recall of members; and
- A budget to meet the costs of the Assembly.

Given the number of matters that would have to be considered, the time constraints imposed by the elections, and the need to get the communities onside and ready, a target date of 1 July 2003 for commencement of the Assembly might be considered realistic.

Negotiations could continue on the further development of the stage two proposals. These would be further refined in the light of experience with stage one. The Council's objective could be to see implementation of stage two in time for the Regional Authority to be elected at the time of the 2005 Regional Council elections.