CHAPTER 14
The Broader Case for Change

The proposals in the third stage report were developed in the context of a commitment by the Commonwealth Government and ATSIC to consider ways of decentralising decision-making to take it closer to the people.

The report observed that while there was no declared path towards better regional governance, communities and regions together were finding their own way.

It was the Council's argument that a better system of regional Indigenous governance would act as a more effective bridge between Aboriginal tradition and Commonwealth, State and local government.

Recognition of this would 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 help in the development and delivery of better integrated programs and services.

In this way effective regional governance arrangements could 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;
- Manage, to the extent possible, their own affairs through the devolution of decision-making and program management;
- Advocate Indigenous interests and negotiate improved outcomes;
- Provide institutional arrangements to ensure full participation of Aboriginal and Torres Strait Islander people in the formulation and implementation of government policies and programs that affect them;
- Help determine measurements of community well-being as a framework for government programs, against which their performance can be assessed;
- Assist effective coordination of the government and Indigenous sectors;
- Help improve accountability, effectiveness and efficiency in the delivery of services; and
- Help build an inclusive Australian society that gives proper recognition to Indigenous peoples.

It was the view of the Council and the consultant's report that ATSIC already performed an important governance function. A significant element of that function was the performance of 35 Regional Councils constituted as separate entities under the Act. Regional Councils played an important role in planning and representing and advocating the interests of Indigenous people, and contributed to ATSIC's broad coordinating and funding role.

The fact was, however, that the functions of Regional Councils, as set out in section 94 of the *ATSIC Act*, were essentially advisory, not decision-making. Nor did the Act provide any real scope for the development of structures of regional governance which reflected differing cultural preferences and social and economic realities.

The Coalition Government's 2001 election platform in relation to Indigenous affairs included a commitment to continue to strengthen local decision making, target resources in line with the findings of the Commonwealth Grants Commission's *Report on Indigenous Funding 2001*, and ensure that states and territories accepted their rightful responsibilities to their Indigenous citizens.

Initiative would be motivated and encouraged through promoting leadership, effective community management and shared responsibilities 'to create a new era based on a national commitment to Indigenous affairs.'

The Government would continue to introduce structural reforms, in partnership with Indigenous Australians, to create an environment that would further improve outcomes from Government expenditure and benefit Indigenous people.

Among the specific policy objectives were:

- Exploring with the Chairperson and Board of the Aboriginal and Torres Strait Islander Commission opportunities for increased autonomy for local and regional communities and the potential for more effective arrangements for ATSIC at the regional and national level. This would include providing for the greater involvement of Indigenous women in ATSIC's decision-making processes;

- Taking a whole-of-government approach by involving all relevant portfolio Ministers and the States and Territories. Under this approach Ministers will join forces to identify communities for a whole-of-government approach involving the integration of education, health, employment, parenting, cultural and justice initiatives;

- Providing flexible programs and services with overall guidance being provided by local community members;

- Improving access to mainstream programs and services in urban and regional centres to free up more resources for remote Australian communities;

- Continuing to take a whole-of-government approach to Indigenous issues and work in partnership with local communities and the states and territories to ensure that Indigenous Australians are provided with their fair share of assistance; and

- Strengthening the ability of communities, families and individuals to manage their own affairs and increasing the focus on individuals through encouraging self-reliance and independence from welfare.

More broadly based social policies of the Commonwealth Government

had as their goal 'to create a fair and cohesive Australian society by strengthening the capacity of the individual, families and communities to contribute to, and benefit from, greater involvement in all aspects of life.'

Strategies in support of these policies sought to:

• Encourage economic and social participation by individuals and families by enabling access to services and promoting opportunities;
• Assist families to build their capacity and their resilience, including through supporting and strengthening relationships; and
• Encourage the development of community capacity for self-help.

The principles embodied in the Commonwealth Government's response to the Commonwealth Grants Commission's *Report on Indigenous Funding 2001* to guide its approach to meeting the needs of Indigenous people were seen as offering a supportive framework for the Murdi Paaki Regional Council's governance and service delivery arrangements.

Effective institutions of governance were seen as essential to promoting a facilitative environment to identify needs, design and implement programs, deliver mainstream and Indigenous specific services in a coordinated way, and promote community well-being.

The New South Wales Government and ATSIC had indicated that they were developing a Framework Agreement between them to enhance service delivery outcomes for Aboriginal and Torres Strait Islander people in New South Wales.

The underlying principles for the Framework Agreement were:

• Recognition of, and support for, Aboriginal and Torres Strait Islander rights;
• Commitment to improving the well-being of Aboriginal and Torres Strait Islander people, families and communities;
• Support for capacity building activities within Aboriginal and Torres Strait Islander communities;
• Recognition of ATSIC and the NSW Aboriginal Land Council as peak elected Indigenous bodies in the State;
• Commitment to working together and sharing responsibilities; and
• Commitment to a State accountability framework through which progress of the Agreement will be monitored.

Among the things the Agreement would facilitate were:

• The development of Regional Service Delivery Agreements - which, the communiqué announced, would be trialled initially in the Murdi Paaki Region;
• Improving the community leadership capacity of Aboriginal and Torres Strait Islander people in NSW; and

- Reviewing funding arrangements for services delivered to Aboriginal and Torres Strait Islander communities.

It was a conclusion of the consultant's report that the proposals for stronger Indigenous regional and community governance structures in the Murdi Paaki region were a close fit with the principles and objectives of the Framework Agreement.

The Murdi Paaki Regional Council's proposals were also seen to fit within the Council of Australian Governments' (COAG) commitment to address the social and economic disadvantages experienced by Indigenous Australians.

COAG had acknowledged that governments could make a real difference in the lives of Indigenous people by addressing social and economic disadvantage, and improving governance and service delivery arrangements with Indigenous people. Its approach was based on partnerships and shared responsibilities with Indigenous communities, program flexibility and coordination between government agencies, with a focus on local communities and outcomes. Its priorities were leadership, reviewing and re-engineering programs to assist Indigenous families and promoting Indigenous economic independence.

The consultants were confident that overall the path proposed in their report to the Murdi Paaki region was consistent with broad policy objectives of Australian governments.

A primary objective of the Murdi Paaki proposal was devolution of greater decision-making authority and responsibility to the region and community. The aim was for programs and service delivery to be more responsive to local needs, and to build capacity at the community level. The outcome for government and Aboriginal and Torres Strait Islander people was a shared one – to improve the effectiveness and efficiency of service delivery to achieve better long-term outcomes.

Evidence from many countries suggested four important conditions are necessary if decentralisation was to lead to improved governance:

- Significant powers and responsibilities for local service delivery should be devolved to representative bodies in line with their capacities;
- Sufficient resources must be provided to enable the bodies to fulfil their responsibilities;
- Proper accountability channels need to be established; and
- A strong regional administrative capacity.

These characteristics either existed or had the potential to exist within the *ATSIC Act*. What was lacking is an agreed framework within which such mechanisms might be flexibly developed to meet individual community circumstances.

Based on the most recent research undertaken in Canada and the United States, there was increasing recognition that government programs must

address the context which creates the underlying conditions that shape the lives of Indigenous people and that programs should be undertaken within a comprehensive development model.

The strength of a comprehensive development model was its inclusiveness. The model had two dimensions. It:

- Incorporated the individual, the family and community; and
- Brought into the circle the full range of stakeholders with a responsibility towards the community's well being.

As part of the framework, it:

- Worked towards the long term rather than taking piecemeal short-term steps;
- Strengthened individuals, families and communities;
- Promoted community leadership; and
- Developed sustainable capacity for the future so that Indigenous people take control of their own development.

The basic premise was that social and economic well-being were interrelated and were dependent upon people having a wide range of positive life experiences, life skills, social supports, safety nets, effective institutional arrangements and productive opportunities.

It acknowledged that Aboriginal and Torres Strait Islander people and governments must work together, as partners, toward achieving their common goals.

Achieving these goals required fundamental change in the way governments and Aboriginal and Torres Strait Islander communities work together in accordance with a shared vision of the future and supported by comprehensive, coordinated strategies involving all agencies and the pooling of resources. A determining aspect was to restore control to community ownership.[1]

Canadian experience suggested that a community development approach had many and diverse requirements:

- It requires a fundamental faith in the appropriateness of the approach and a commitment to working together for the long term;
- The social development model requires setting objectives that are broad in scope and long-term in perspective, and that are based on an understanding of the dynamics of communities;
- It requires having the resources to coordinate a complex web of program and welfare support from different sources with different objectives. Agencies themselves must subordinate their traditional

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[1] Canadian Government, *Building Communities: Effective Practices in Aboriginal and Torres Strait Islander communities Lessons Learned Background Report* Evaluation and Data Development Strategic Policy Human Resources Development Canada, March 1999.

authority over critical functions to work collectively and cooperatively with communities;

- The social development model requires acknowledging community residents as the primary stakeholders and agents in changing community behaviours and must have control over the key policy and program decisions; and

- The model requires community leadership and the trust of the community.

A fundamental object of the *ATSIC Act* was to ensure effective coordination in the provision of services by all spheres of government. In accordance with this objective, there was a need to promote linkages across all programs, agencies and jurisdictions. A large number of agencies was involved in delivering programs and services aimed at community development. They needed to come together within a comprehensive planning and development framework.

Achieving effective coordination and social development requires a partnership between Government and Indigenous people, and ensuring that policies and programs fully incorporated Aboriginal priorities, traditions and values.