

## CHAPTER 25

### Restoring the Partnership

In the absence of a framework for replacement organisations, the Murdi Paaki Regional Council informed the Senate Committee that it would seek to re-negotiate with the Commonwealth and NSW Governments the arrangements already in place for a Regional Assembly and Community Working Parties.

In doing so the key principles involved shared responsibility between government agencies and with Indigenous people, partnership with Aboriginal and Torres Strait Islander people, the direct connection of Indigenous decision-making with the way services are delivered by all spheres of government, and the integration of program delivery within a single regional outcome bringing together the resources and outputs of all stakeholders into flexible funding arrangements.

As a leading Australian Government COAG Trial site, the Assembly was committed to working closely with government and non-government agencies to plan and coordinate the delivery of appropriate, culturally diverse, high-quality programs and services to the people of the Murdi Paaki region.

As a collective leadership of the Murdi Paaki region the Assembly's role was to provide the highest standard of governance, accountability, advocacy and direction. It supports the principles of responsibility, strong leadership, and commitment

The Murdi Paaki Regional Council believed its proposals for a regional representative body to engage with government and service providers was consistent with the Council of Australian Governments' (COAG) *National Framework of Principles for Delivering Services to Indigenous Australians* which was endorsed at the COAG meeting on 25 June 2004.

Under the framework all jurisdictions were committed to achieving better outcomes for Indigenous Australians, improving the delivery of services, building greater opportunities and helping indigenous families and individuals to become self-sufficient.<sup>1</sup>

The COAG principles of shared responsibility involved:

- Committing to cooperative approaches on policy and service delivery between agencies, at all levels of government and maintaining and strengthening government effort to address indigenous disadvantage;
- Building partnerships with Indigenous communities and organisations based on shared responsibilities and mutual obligations; and
- Committing to indigenous participation at all levels and a willingness to engage with representatives, adopting flexible approaches and providing adequate resources to support capacity at the local and regional levels.

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<sup>1</sup> COAG, Media Release, 25 June 2004 and attachment B.

In the absence of information about what form the different mechanisms might take and their roles and responsibilities, the Government's approach could well cause confusion within Aboriginal and Torres Strait Islander communities.

Inherent in the government's approach was the potential for creating and dealing with a plethora of organisations without necessarily having the capacity to engage with government or the government itself being able satisfactorily to adjudicate on priorities. In the case of the Murdi Paaki region, a regional body had been instrumental in breaking down factionalism and bringing a regional perspective to setting priorities for delivering services.

The experience of the Murdi Paaki Regional Council had shown that within a legislative framework, Commonwealth, State and local government could work together through a process of regional planning, service agreements, pooled funding and integration of programs and services.

Whatever the future course, the system of regional governance was a creation of the region and the people living in our communities.

A fundamental issue was how Indigenous communities connected to the wider society and retained control over their futures, maintain Aboriginal identity and culture, have Indigenous community structures based on custom and traditional law, and have the capacity to make their own decisions.

External assistance should contribute to rather than define the process. Regional and community leadership must be able to filter Government interventions while re-building community capacity and leadership. Government assistance must be managed responsively to achieve material results. The process began where the decisions were made at the local level.

An important aspect of representation and delivery arrangements was full participation in the design of public policy and programs, the way funding is distributed, and the more efficient and effective delivery of services. Structures would be influenced by the size, composition, location, land base and economic potential of the region concerned.

A Murdi Paaki Regional Assembly would seek to ensure maintenance, recognition and respect for the special and unique customs and beliefs of the Aboriginal and Torres Strait Islander peoples living in the region.

The Assembly, through its deliberations, would seek to align government agency outcomes with the expectations of the Indigenous communities they were funded to serve. This would-be done through a proper process of regional and community planning involving the setting of priorities, targets, and key result areas for implementation by the responsible agencies within an overall regional development strategy.

A key consideration for the Senate Committee's inquiry and ultimately for government decision was how replacement representative networks at the regional and community levels would be resourced to ensure they had the capacity to perform the functions expected of them under the new arrangements. As part of a partnership framework, these functions involved providing 'fundamental inputs' on what services communities needed and how

they were best delivered into their regions and communities.<sup>2</sup>

The Council argued that the abolition of the ATSIC system in its entirety and with it any immediate structure of regional autonomy represented a denial of self-management and self-sufficiency which were expressed as Parliament's will in the preamble to the ATSIC Act. Empowerment was being replaced by disempowerment.

Self-management and self-sufficiency were fundamental to control by Aboriginal and Torres Strait Islander people over their own destiny, underpinned by a special relationship between Indigenous people and government deriving from the shared history of this land.

The Council submitted that there were always two parts to the ATSIC system – the Commission of 17 members elected by regional Councils coming together in zones and regional Councils themselves, directly elected by Aboriginal and Torres Strait Islander people, with specific legislative functions.

The submission stated:

Some may argue that there is not a great deal of difference between the ATSIC system at the regional level and what the government is now proposing. All that will now happen is that mainstream agencies will be responsible for the delivery of their services. Some may even say that with organisations like Land Councils, the Indigenous Land Corporation, Indigenous Business Australia, the range of Aboriginal organisations, and community government there are sufficient dispersed points of autonomy.

Our concern is that these arrangements lack the essentials of participation in government decision-making. The focus of what is now seen as a "whole of government" approach is on administrative structures.

Our Council believes that both in its content and implementation the new arrangements do not serve the public interest as they relate to an important area of national policy – the rights and interests of Aboriginal and Torres Strait Islander people and their status as significant stakeholders in the policy and national development process.

The Murdi Paaki Regional Council is anxious to ensure there remains a legitimate and sustainable voice for Aboriginal and Torres Strait Islander people in the wider development process and more specifically in the delivery of programs and services by mainstream agencies.

In our view, this can best be done through a national legislative framework which has the flexibility to recognise individual State, regional and community aspirations and structures. We wish to ensure that the principles of self-management and self-sufficiency as an expression of Parliament's will are maintained through appropriate structures.

There can be no partnership without participation.<sup>3</sup>

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<sup>2</sup> Senate Select Committee on the Administration of Indigenous Affairs, Evidence, 29 June 2004.

<sup>3</sup> Murdi Paaki Regional Council, *Re-connecting Government and Aboriginal and Torres Strait Islander People*, Submission by the Murdi Paaki Regional Council to the Senate Select Committee on the Administration of Indigenous Affairs, August 2004.