THE MURDI PAAKI REGIONAL ASSEMBLY: INDIGENOUS GOVERNANCE IN ACTION

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PREFACE

The boundaries of the Murdi Paaki Regional Assembly span a vast area of far Western New South Wales. As a representative body for Aboriginal people in the region, the Assembly had its origins in a system of Community Working Parties. From their practical beginnings Community Working Parties became the foundation of arrangements to improve the way government agencies provide services to Indigenous communities in accordance with expressed community needs. They remain integral to the regional structure.

This narrative and documentary history of the Assembly traces and captures how the Aboriginal and Torres Strait Islander leadership in the area transformed Community Working Parties into an effective regional body.

At one level, the history of the Murdi Paaki Regional Assembly, with its origins in Community Working Parties, is a case study in Indigenous governance. It involves four key elements: community control, engagement with government, improved service delivery, and cultural legitimacy. At another level it is about the way leadership, community participation, and coordination of government interventions, inspired and driven by community initiative, came together to improve community and individual well being and helped shape future government activities.

How the former Murdi Paaki Regional Council, as part of the Aboriginal and Torres Strait Islander Commission (ATSIC) system, established and managed the transition of Community Working Parties from their beginnings to a Murdi Paaki Regional Assembly as a representative voice has direct relevance to current Australian policies in Indigenous Affairs. As the leadership itself observed, on the unexpected abolition of ATSIC, the Council had 'unwittingly created a body that would succeed the Regional Council.'[1]

In the Murdi Paaki region Indigenous initiative anticipated and gave form to many of the elements of the Commonwealth Government's new approach to Indigenous Affairs. This approach sought to ensure that governments work better together in a 'joined up' way in a shared responsibility partnership with Indigenous people based on mutual obligation.

The Murdi Paaki Regional Council readily acknowledged that there was no 'one size fits all' for regional and community governance arrangements. The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs in its report on capacity building observed that while a number of submissions to the inquiry argued that regional structures, such as the Torres Strait Regional Authority and the Murdi Paaki Regional Council,

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[1] Murdi Paaki Regional Assembly: *Establishing Aboriginal Jurisdiction: A lesson in the Murdi Paaki Region, CD 2004.*

moved decision making closer to the community, not all Indigenous people would feel committed to, or justly served by regional models.[2] It went on to observe that the potential success or failure of regional approaches depended on the processes undertaken to establish and develop such a regional governance model.

Process was clearly important in promoting, developing and consolidating the original idea of Community Working Parties as legitimate and culturally appropriate forms of governance.

The foundations of the Assembly reflected and responded to the particular circumstances of Aboriginal communities in far western New South Wales and for a specific purpose. These foundations led to the Council of Australian Governments (COAG) choosing the Murdi Paaki region as one of eight sites to test new working arrangements between government and Indigenous people.

Throughout its development, the representative framework had a dual focus – more direct participation of communities in decision-making and improved service delivery to overcome the disadvantage of Aboriginal and Torres Strait Islander people in the region. The Murdi Paaki leadership saw a direct link between the two with effective governance arrangements being an important community capacity building tool along with the provision of basic services.

The history of the Murdi Paaki Regional Assembly, and the context within which it sought to improve governance arrangements as an integral part of the Federal system of government, may provide a resource and reference point for other groups considering community and regional representative arrangements in their areas and what structures may be appropriate to them.

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[2] House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Many Ways Forward*, Report of the Inquiry into capacity building and service delivery in Indigenous Communities, Canberra, June 2004.

A PATHWAY TO 'TRUE COMMUNITY CONTROL'

On 1 August 2005, the Commonwealth and New South Wales Governments signed a Shared Responsibility Agreement which recognised the Murdi Paaki Regional Assembly and its constituent Community Working Parties as the peak regional Indigenous community structure in the Murdi Paaki region of western New South Wales.[3]

Government recognition of the Assembly came within a month of the abolition of the Murdi Paaki Regional Council established under the *Aboriginal and Torres Strait Islander Commission Act 1989*.

> The views of the people consulted must actually be listened to. We are not interested in ritual gestures. – *William Johnstone, Chairman, Murdi Paaki Regional Council Annual Report 1994-1995.*

Under its new arrangements in Indigenous affairs, the Commonwealth Government abolished the Aboriginal and Torres Strait Islander Commission which had been in existence since 1990 and its 35 associated regional Councils that were a fundamental part of the ATSIC system.

Recognition of the Assembly marked yet another milestone for Aboriginal and Torres Strait Islander people in the Murdi Paaki region in their quest for community control over their lives after the Regional Council had mounted a strong advocacy to retain regional Councils and to ensure continuity of governance arrangements on their abolition.

The shared responsibility agreement was significant for a number of reasons.

- With the implementation of the government's new arrangements in Indigenous affairs, the signing marked yet another turning point in the development of relations between the Commonwealth Government and Aboriginal and Torres Strait Islander people in the region;
- The Agreement confirmed the Assembly and its constituent Community Working Parties as a culturally legitimate voice of the 16 major communities in the region, thus consolidating its position in a new form in the Murdi Paaki region;
- The Assembly maintained continuity of regional Indigenous governance arrangements that the vision and commitment of the Indigenous leadership had shaped over more than a decade;
- Established by the Regional Council to facilitate the way government agencies provided housing and infrastructure assistance in Aboriginal communities, Community Working Parties provided an effective transition between the former Regional Council and the Assembly and between government and communities in the Murdi Paaki region;
- As an integral part of formal governance arrangements, the Assembly, representing the 16 major Aboriginal communities of the

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[3] Office of Indigenous Policy Coordination, *Fact sheet*, undated.

Murdi Paaki region, could now engage in its own right with the Commonwealth and New South Wales Governments on the provision of Indigenous programs and services. In doing so the Assembly built on a platform of development advocacy vigorously pursued by the Regional Council in performing its statutory functions; and

• The signing of the agreement empowered the Assembly to negotiate a more comprehensive Regional Partnership Agreement with the Commonwealth and New South Wales governments.

The Commonwealth Government's new arrangements required Indigenous people to establish elected regional representative mechanisms different from the statutory framework provided by the *ATSIC Act*. As to how these mechanisms might be implemented, the Prime Minister, in announcing the new arrangements, said that the abolition of Regional Councils:

> … does not in any way preclude processes whereby Indigenous people themselves will in different areas, according to their own priorities, elect bodies and people to represent them, and the Government will in the course of consulting different sections of the community, be very keen to consult any bodies that may emerge from that process. [4]

Describing the functions of the Commonwealth Government's new representative arrangements, the Minister for Immigration, Multicultural and Indigenous Affairs, Senator Vanstone said:

> In keeping with the Government's desire to engage at the community level, the new bodies are to act as the interface between communities and governments. They will help articulate community views and provide a framework for contributing to Regional Partnership Agreements. [5]

> What is encouraging is that our people are at least on the edge of breaking free of the welfare mentality that kept our parents in custody, blighting their outlook on a better future. – *William Johnstone, Chairman, Murdi Paaki Regional Council, Annual Report 1993-94.*

The Murdi Paaki Regional Assembly, which was then functioning on an interim basis as an advisory forum to the Regional Council on the Council's initiative, met the criteria for a new regional representative body in a different form. Its development had clearly demonstrated its ownership by the Aboriginal and Torres Strait Islander people of the region.

The Shared Responsibility Agreement with the Murdi Paaki Regional Assembly gave effect to the communities' desire for an effective transition. The agreement procedurally amended a regional Shared Responsibility Agreement which had been signed on 22 August 2003 with the former Murdi Paaki Regional Council.[6]

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[4] Prime Minister, Mr. John Howard, *Press conference*, 15 April 2004.

[5] 'Minister announces new representation arrangements', Press Statement by the Minister for Immigration, Multicultural and Indigenous Affairs, Senator Vanstone, 29 June 2005.

[6] *Shared Responsibility Agreement*, 22 August 2003.

The agreement with the Regional Council had been made in the context of the government confirming the Murdi Paaki region as one of eight sites chosen under the auspices of the Council of Australian Governments (COAG) to conduct a trial of new ways to do business with Aboriginal and Torres Strait Islander communities. It also acknowledged Community Working Parties as the peak community bodies and primary points of Indigenous community contact in each community across the region.[7]

With the signing of the new agreement, the Assembly automatically became the partner to the arrangements previously entered into with the Regional Council.

The evolution of the Murdi Paaki Regional Assembly from its beginnings as individual and dispersed Community Working Parties has many dimensions to it.

Primarily it is an example of Indigenous governance in circumstances where governance has become a critical aspect of institutional arrangements to ensure a representative voice for Aboriginal and Torres Strait Islander people to participate in decision-making and assist agencies to implement government policy in key functional areas, and to ensure accountability both to government and to Indigenous people for outcomes.

Logical in their simplicity as the arrangements in the Murdi Paaki region may now appear to have been, they did not just fall into place.

To develop the governance arrangements, the Murdi Paaki leadership investigated and modelled different structures, consulted communities, adjusted and responded to changing government policies, used the ATSIC Act as a vehicle to advocate Indigenous interests and finally negotiated an effective, credible and legitimate governance system to give voice to Aboriginal communities and improve the living circumstances of Aboriginal and Torres Strait Islander people in the Murdi Paaki region.

While the leadership tapped overseas experience and explored theories of governance, the Assembly evolved from a practical application of demonstrated need in the particular circumstances of the region and developed its own operating principles and boundaries.

Communities also had to navigate the complexities, set backs, and changing requirements of government decision-making, and shifts in policies. The architects of the arrangements saw them as a pathway to 'true community control.'[8]

Of the process, the Murdi Paaki Regional Council in its 2001-2002 annual report said: 'It can be likened to a gentle push by a sovereign people exerting their sovereign rights, and that is the right to govern themselves.'[9]

From its inception under the *ATSIC Act* until the Commonwealth Government abolished all regional Councils from 30 June 2005, the Murdi

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[7] *Shared Responsibility Agreement*, 22 August 2003.
[8] Keynote speech by Sam Jeffries, Chairman, Murdi Paaki Regional Assembly, Marrima 10-year celebrations, 24 June 2006.
[9] Murdi Paaki Regional Council, *Annual Report*, 2001-2002.

Paaki Regional Council[10] established a record of achievement in a range of key areas – health, housing, employment, regional and community planning, and participation in service delivery. These achievements had come to be recognised Australia-wide and by the Australian Parliament.

Notable among the Council's achievements were its community governance arrangements. Under these arrangements Community Working Parties, an early Council initiative under the chairmanship of Mr. William (Smiley) Johnstone, brought together elected representatives and service providers in a dynamic representative, planning and implementation forum.

Mr. Johnstone had been elected as the inaugural Chairperson of the Murdi Paaki (Far West NSW) Regional Council in 1990 and was influential in improving the delivery of health and housing programs to Aboriginal peoples in western NSW. He was, in effect, the founder of the Community Working Party concept that influenced the NSW Government in its development and implementation of a $200 million capital works program in NSW in 1997. [11]

As Community Working Parties progressed, their deliberations complemented and informed the Regional Council's broader decision-making by providing a vehicle for direct community involvement. The arrangements sought to fill a perceived gap between a Council elected on a ward system and deemed not to be representative of communities and direct community participation.

A longer-term aim, consistent with government policy at the time, tentatively directed towards greater autonomy, was to establish a Regional Authority similar to the Torres Strait Regional Authority (TSRA), with devolved powers aligned with those of the Aboriginal and Torres Strait Islander Commission (ATSIC). The TSRA itself had grown from a Regional Council under the *Aboriginal and Torres Strait Islander Commission Act 1989* to separate recognition under the enabling legislation, performing in the Torres Strait all the functions of ATSIC.

Murdi Paaki's aspirations took a new direction when the Prime Minister on 15 April 2004 announced that ATSIC and its associated Regional Councils would be abolished. In announcing the changes, the Prime Minister, Mr. Howard, said: 'We believe very strongly that the experiment in separate representation, elected representation, for indigenous people has been a failure.' [12]

The government's decision came despite a review of ATSIC recommending that ATSIC be maintained and reformed as a representative structure and that Regional Councils be strengthened. [13]

From now on, it was government policy not to fund elections of elected

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[10] The Murdi Paaki Regional Council resulted from an amalgamation of the Wangkkumara Regional Council and the Far West Regional Council in l993 when the government reduced the number of regional Councils under the *ATSIC Act* from 64 to 36.

[11] Mr. William Johnstone, Submission to the Senate Select Committee of Inquiry into the Administration of Aboriginal Affairs, 9 August 2004.

[12] Prime Minister, 15 April 2004.

[13] Murdi Paaki Regional Council, *Annual Report*, 2003-2004.

representative bodies and to transfer all program funding to mainstream government departments.[14] The focus of the government's new arrangements was to be on direct engagement with communities, families and individuals, no longer having to go through 'intermediaries' such as ATSIC and Regional Councils.[15]

As explained later, the then Minister, Senator Vanstone said:

> Indigenous Australians, as individuals, in their families and communities can only be said to have a real voice when governments actually listen directly to them. Over the last forty years intermediaries in various guises have been created to speak on behalf of Indigenous communities. ATSIC was the last of these creations. A non-Indigenous construct designed to satisfy the rest of us that Indigenous Australians had a voice. The problem was that's not the voice Indigenous Australians were choosing to use. Eighty per cent of those entitled to vote didn't think it was worth it. That's not surprising. It wasn't an Indigenous construct. … They (Indigenous people) haven't been shown the respect of being given the opportunity to identify their problems, to have a hand in shaping the solutions nor making a contribution to the outcome. In other words, to chart their own way forward.[16]

Having advocated and lost a strongly mounted argument to preserve Regional Councils under the *ATSIC Act*, including a spirited presentation before a Senate Select Committee, the Murdi Paaki Regional Council moved to ensure the embryo Murdi Paaki Regional Assembly, which had operated alongside the Regional Council as a regional planning forum, could assume a representative role in a different form, deriving its authority from communities in the region, with each Community Working Party electing a representative to the Assembly.

In the new circumstances, the Assembly and Community Working Parties were a natural and logical component of the new arrangements which the government sought to establish.

Among the Assembly's main features are:

- A partnership with the Commonwealth and New South Wales governments in service delivery arrangements;
- A strategic approach to engagement, both internally within its own communities and externally across the region with all levels of government;
- Community ownership of its structures. It is not legislated, as the previous Regional Council was, and is not incorporated. In the words of the Chairman of the Assembly, Sam Jeffries: 'This means that we can never be abolished in any Parliament, and we will never have an administrator appointed;' [17]

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[14] Evidence before the Senate Select Committee on Indigenous Affairs.

[15] Office of Indigenous Policy Coordination, *The New Arrangements*.

[16] Senator Amanda Vanstone, Address to the National Press Club, Canberra, 23 February 2005.

[17] Keynote speech by Sam Jeffries, Chairman, Murdi Paaki Regional Assembly, Marrima 10-year celebrations, 24 June 2006.

- Unlike ATSIC, the Assembly does not fund programs. The Assembly has chosen not to handle monies, recognising that responsibility for service delivery and outcomes resides with mainstream government agencies and Aboriginal community organisations;

- The Assembly's focus is to determine regional priorities for governments and service providers to align their service delivery arrangements to the needs of Aboriginal people and their communities;

- The Assembly and its Community Working Parties operate on the participation of its constituent membership, relying on input from and the support of Aboriginal people; and

- The Assembly is supported by three regional entities created and incorporated as a result of community initiative - Murdi Paaki Housing, Murdi Paaki Regional Enterprise Corporation and Marrima Health Corporation.

SHARED RESPONSIBILITY AGREEMENT BETWEEN THE COMMONWEALTH GOVERNMENT, THE NEW SOUTH WALES GOVERNMENT AND THE MURDI PAAKI REGIONAL ASSEMBLY

This Shared Responsibility Agreement (SRA) recognises the Murdi Paaki Regional Assembly as the peak regional Indigenous community structure in the Murdi Paaki region, representing 16 Community Working Parties.[18]

The Assembly automatically becomes the partner to the SRAs signed with the Council, and has a continuing role in coordinating government activities affecting Indigenous people in the region. It will develop a regional plan.

The Australian Government is funding a meeting of the Assembly and engagement between government and Indigenous people in the region.

The New South Wales Government will work collaboratively with the Assembly and Australian Government to achieve improved outcomes for the Indigenous communities in the region.

The community will adhere to and implement its Charter of Governance, including liaising with regional bodies and Community Working Parties to determine local priorities and to develop a Regional Plan to improve the economic, social and cultural status of Indigenous people.

They will work with government to implement this plan, contribute to the coordination of activities being carried out by government, and monitor and provide feedback on the programs and services delivered by government and non-government agencies. – *Shared Responsibility Agreement between the Murdi Paaki Assembly, the Commonwealth Government and New South Wales Government, 1 August 2005.*

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[18] Office of Indigenous Policy Coordination, Shared Responsibility Agreements, fact sheet, Murdi Paaki Regional Assembly, New South Wales, *Recognising Regional Representation*, undated.

IN THE COMMUNITIES' OWN WORDS

The foundation stone of the Community Working Party system has been the participation of Aboriginal people in it. During the first year of the Murdi Paaki Regional Assembly its members were asked how they saw the system. [19] The communities' own words are a prelude to the history of the Murdi Paaki Regional Assembly.

William 'Smiley' Johnstone (foundation Chairperson, Murdi Paaki Regional Council)

From day one we acknowledged that we had limited resources to support us, to make the best use of those resources and work with government to take a coordinated and strategic approach to issues confronting the communities.

Earlier on in the piece we recognised that the aim was not about the money, it was about becoming more strategic and focus on planning how the resources were going to be used.

The arguments have moved beyond who has the money. The most powerful tool in this is community planning, and community advocacy for their needs.

But as time has evolved with the working party structure at Dareton snowballing into other communities, the trick and the challenge in all this is to walk the people with you. That is what the working party structure has done. It has brought about agencies responding to community needs, and directly talking to working party structures and not people outside the region, but people who live every day in these communities. It is about holding these regional service agencies and State and Commonwealth governments accountable for their program delivery.

The ATSIC and Assembly experience has shown that over a period of 15 years it's taken that long to get to where we're going, and if we back that effort up with another 15 years, we can move further forward.

Government will have to take notice of the Assembly; it's been something in the making for 15 years now, it didn't come with yesterday's rain, they need to take the lead from the strategies the Assembly has developed. That will make their life a lot easier. If they go outside the Assembly structure they will continue to be frustrated to deliver government policies, but government policies themselves also have to change to suit the needs of the region.

Dave Murray (Coonamble)

I know the regional councils are gone, but then that is where the Regional Assembly will step in and the community will join together and have their say.

Jason Wilson (Walgett)

I can see the advantages of the Regional Assembly, there needs to be some opportunity for other smaller towns that possibly won't get an opportunity to have somebody sit on the regional council, there are just not enough numbers on there, this does facilitate that, so you're getting every town in this region sitting down at the table and negotiating and talking about what's happening in their town, so it's good stuff.

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[19] Interviews conducted for *Murdi Paaki Regional Assembly: Establishing Aboriginal Jurisdiction: A lesson in the Murdi Paaki Region, CD 2004.*

Ernie Gordon (Brewarrina)

Now we've got this working party and the Regional Assembly in place we can work on a basis where we can say OK to government, this is what we need. They're coming to us now; they're coming to the working party table, where we can discuss things with them. Before the older people had to go down there and fight, now we can sit around the table and discuss things in a more civil way.

Richard Weston (Broken Hill)

We've got to recognise that a lot of Aboriginal people do not have the technical skills that we need, in areas like Aboriginal health and Aboriginal education, for example, the technical expertise lies with the white fellas, we do not have the pool of expertise in our communities, to be able to deal with the complexity of the problems that we do have, but I guess from our side the equation that we offer is governance; we know what we want, what we want to see for our kids, we know what we want to see for our communities, what sort of communities we want to live in, that's our challenge - coming to that vision as to where we want to go, how we articulate that, and how we engage those people with the technical expertise to help us get there.
The Regional Assembly does offer us a focal point for our region and we do need that. When I first came here I saw different ways of thinking, and one of the things that struck me was the notion that we are a region, opposed to such a single community. Most people in the Murdi Paaki Region do have some connection, particularly through the Darling River, so there is a common link there. While there are different cultures in different communities, there are a lot of commonalities as well.

William Bates (Wilcannia)

I want to stress that it is important enough for young people for the present and the future to stand up and be involved because if we don't do it, no one else is going to do it for us.

Joan Evans (Cobar)

At Cobar we are about half way through the community plan, the Regional Assembly was an eye opener to me; my first meeting and I think it will work well in Cobar and in conjunction with the working party.

Faye Johnstone (Ivanhoe)

I believe that every community in the Murdi Paaki Region has got a voice that they didn't have before. We've got problems that we need to be talking to government about ourselves whereas before we didn't because we had to rely and depended on our ATSIC councillors to do that.

Leanne McEwan (Gulargambone)

The community working party is made up of 14 members. We have representatives from all the Aboriginal organisations in the town, the elders, the youth. It's not one family, it's everybody involved. We keep it open to all members to attend for general

business if they would like to. We have regular attendance which is really good. I think the Regional Assembly is a great concept because every community has got a voice. We've never had a representative on the Regional Council, and it's the grass roots people who are being involved through the working party which gets relayed to the Regional Assembly and into the region.

Ron Mason (Goodooga)

I think the working party at Goodooga is working quite successfully. We do have our little off days and on days. But people's attitudes and the ways to accountability and responsibility are improving and I think that is the main aim of working parties – accountability and responsibility.

Our Community Action Plan has just been signed off in regard to shared responsibility in education. I'd like to have one with the health service and local government. If we could achieve that it would be a great step forward for Aboriginal people working together to achieve more.

It is a new way of doing business, and I think it needs more input from Aboriginal people and Aboriginal communities, and this is a great way to achieve these sort of goals that we want to achieve. I think the Regional Assembly is going to be a vital organisation in the region. It gives us a foot in the door to the government, and once we get that foot in we are going to talk and achieve and negotiate more for the Aboriginal people and Aboriginal communities and I think that is the main aim because I think the better the life for Aboriginal people in health, education, and all those sort of things that need to be uplifted in the Aboriginal community.

The message is for governments and the city people to understand that smaller communities are slowly dying, the services are slowly dwindling away, we need to re-establish those, and re-establish the ties with the city and regional areas for the betterment of communities and the people that live in them.

Max Sullivan (Engonia)

Taking a seat on the Regional Assembly has made a difference, and we are not forgotten.

Alan Cobb (Lightning Ridge)

The Community Working Party is a great avenue to sort our all of our problems and attempt to fix them, on a collective basis. I am pretty confident with the Regional Assembly because they have an opportunity to meet with the heads of government departments – state and federal – on a lot of issues that are coming from the communities through the chairpersons who are part of the Assembly. A lot of the main issues there are slugged out, and each individual group go back to their work place and try to put stuff in place. This all coincides with the community action plans.

Norman Hall (Collarenebri)

We now have recognition through the COAG trial; it's been fairly isolated for years and now we are getting the recognition we should have got years ago. Yeah, I think the opportunity is there, you know, to keep pushing for things we need. I would say come along to our working parties and get involved.

Sam Jeffries (Chairman, Murdi Paaki Regional Assembly)

The lessons of the past remind us that there is more than good governance to shaping our future. We must not lose our self-determination, we must re-discover our commitment, and be unwavering in our efforts to build a better future. We can't sit back and wait for government to do something for us.