

CHAPTER XIII

Conclusion

On the accumulated evidence and research from this paper, four elements can be seen to underpin any movement to establish effective arrangements for Aboriginal and Torres Strait Islander people. They are:

1. A consensus among the people of Australia sufficient to support a government's commitment to expand the horizons, capabilities and opportunities of its Indigenous peoples;
2. A will to engage with Aboriginal and Torres Strait Islander people in a search for sustainable solutions;
3. Shared responsibility between governments; and
4. A reciprocal responsibility between government and Aboriginal people in recognition of what might be described as a 'constituent sovereignty'.

It had also been noted by the MPRC that there was no 'one size fits all' approach for regional and community governance arrangements within the diversity of Aboriginal and Torres Strait Islander society and that legislative flexibility must be the cornerstone of ensuring that structures are appropriate to the special circumstances of individual communities and regions.

Similarly, a House of Representatives Standing Committee concluded that its study of models of Indigenous governance from around Australia illustrated the diversity of possibilities, and showed that the particular model of governance a community develops may very well be unique to that community, saying:

The Committee understands that the most important element of governance strengthening and development is that governance models are developed by a community, not imposed on a community. Further, the Committee notes that Indigenous governance can complement external accountability requirements, particularly with the aid of developmental capacity building.²⁶²

The MPRC's experience, reflected in the establishment of the Murdi Paaki Regional Assembly, was that each community and region needed to determine what was appropriate for them and saw value in a legislative regime that gave some certainty to Aboriginal and Torres Strait Islander communities.

The abolition of the ATSIC system in its entirety, and with it any immediate structure of regional participation, represented in the view of the MPRC, a denial of self-management and self-sufficiency, both of which had found expression in the Parliament's will in the *Aboriginal and Torres Strait Islander Commission Act 1989* (Cth). The strong argument of the Assembly was that

²⁶² 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, p. 128.

empowerment had been replaced by disempowerment in the legislative process. Moreover, the abolition of ATSIC by a vote in the Australian Parliament demonstrated how fragile the relationship was between government and Aboriginal and Torres Strait Islander people in the absence of constitutional recognition of the position of Aboriginal and Torres Strait Islander people in Australian society.