

## **CHAPTER VI**

### **The Murdi Paaki Regional Assembly and Government Reform**

On 15 April 2004 the Government announced that it would abolish the Aboriginal and Torres Strait Islander Commission (ATSIC) as well as its associated service-delivery agency, Aboriginal and Torres Strait Islander Services (ATSIS). The Murdi Paaki Regional Assembly (the Assembly) was among the first regional representative bodies to be recognised by the Government when it introduced new arrangements in Indigenous affairs in the post-ATSIC period.<sup>128</sup>

As a representative body for Aboriginal people in the region, the Assembly had its origins under the auspices of the former Murdi Paaki Regional Council (MPRC) in a system of Community Working Parties (CWPs). From their practical beginnings, CWPs became the foundation of arrangements to improve the way government agencies provide services to Indigenous communities in accordance with expressed community needs.

From the outset, the Assembly was a key player in Indigenous affairs and the leadership itself observed that on the unexpected abolition of ATSIC, the MPRC had ‘unwittingly created a body that would succeed the Regional Council.’<sup>129</sup>

The foundations of the Assembly reflected and responded to the particular circumstances facing Aboriginal communities in far western NSW. In this way the Assembly was able to focus on specific purposes - improving the way housing, water supply, sewerage, roads and other essential infrastructure were coordinated and provided throughout the region. These foundations led the Council of Australian Governments (COAG) to choose the Murdi Paaki region as one of eight sites to test the new arrangements.

Throughout its development, the representative framework had a dual focus – more direct participation of communities in decision-making and improved service delivery to overcome disadvantage 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. Part of the process of establishing the Assembly was to define Aboriginal jurisdiction.

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<sup>128</sup> Department of Families, Community Services and Indigenous Affairs, *Indigenous Affairs Arrangements, 2004, 2005, 2006*.

<sup>129</sup> Murdi Paaki Regional Assembly: *Establishing Aboriginal Jurisdiction: A lesson in the Murdi Paaki Region, CD 2004*.

Two elements of the Government's new approach and focus on achieving structural arrangements within the public service to replace the ATSIIC system involved:

- The establishment of Indigenous Coordination Centres with staff who had previously serviced regional councils; and
- The establishment of regional representative mechanisms different from the statutory framework provided by the *ATSIIC Act*.

The Assembly encountered difficulties associated with negotiating and signing a Regional Partnership Agreement (RPA) to set the framework for Indigenous development in the region. Similarly, the nature of participation itself was to undergo fundamental changes from the legislative arrangements which were in place under the *ATSIIC Act*.

Within the new government framework the Assembly maintained the continuity of representative arrangements developed by Aboriginal and Torres Strait Islander people themselves over the previous decade amid the shifting sands of government policy.

The Government had indicated that during 2004-05 it would consult with Indigenous people throughout Australia, as well as with state and territory governments, regarding structures for communicating Indigenous views and concerns so as to ensure services were delivered in accordance with local priorities and preferred delivery methods. ATSIIC Regional Councils, which were to remain in place until 30 June 2005, would play a role in the provision of advice on future representative arrangements. The Government went on to say that because of differences between regions, it was likely that different regions would arrive at different approaches. It was understood that Indigenous peoples would decide on their own representative networks, whether they be regions, communities, groups of organisations, clans or families.

Advice provided at the regional level would inform the strategic decisions made by the new Ministerial Taskforce and the newly appointed National Indigenous Council. Regional structures would also negotiate with Government on RPAs and Shared Responsibility Agreements (SRAs). These were to be a cornerstone of the new arrangements to coordinate government services and deliver initiatives across several communities in a region. The aim was to eliminate overlaps or gaps, and promote collaborative efforts to meet identified regional needs and priorities and could involve industry and non-government organisations.

A significant policy aim of regional representative bodies was to develop a formal arrangement whereby the Federal, state and territory governments could

work together through one consultative arrangement.<sup>130</sup> Evidence before a Senate committee suggested that existing state bodies, such as community government councils, might form the basis of new representative arrangements.

By the time the initial policy booklet outlining the new arrangements was revised in 2006 under a new Minister and department,<sup>131</sup> the Government confidently stated that: ‘The reforms are changing the way governments work together, and the way government works with Indigenous people’.<sup>132</sup>

The terminology of regional arrangements had changed to: ‘Regional engagement and intensive interventions’ with the booklet stating:

Regional Indigenous engagement arrangements are evolving in a number of regions to help Indigenous people talk to government and participate in program and service delivery. These engagement arrangements are a mechanism for making and implementing agreements between government and Indigenous people based on the principles of partnership, shared responsibility and self-reliance.

The Australian Government does not want to impose structures but will support and work with arrangements that are designed locally or regionally and accepted by Indigenous people as their way to engage with government.

The Government has supported consultation with Indigenous people about the types of engagement arrangements they want. Communities need time to think through these issues, and views differ widely across regions on the most appropriate models.<sup>133</sup>

At that time, one Agreement had been signed and others were under development. The first Agreement was signed in August 2005 between the Ngaanyatjarra Council (incorporated under the *Aboriginal Councils and Associations Act 1976* (Cth)), the WA government, and the Shire of Ngaanyatjarra. The Agreement covered the 12 communities of the remote Ngaanyatjarra Lands. At the time of writing this article, two other Agreements had been signed, each with a specific employment focus and engaging the business sector.

While the depth of the Government’s commitment to alternative representative bodies may be questioned, reflected in the time it took to endorse new regional representative arrangements, the Government nevertheless saw the need to

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<sup>130</sup> Senator Amanda Vanstone, Minister for Immigration, Multicultural and Indigenous Affairs, letter to ATSIC Regional Councillors, April 2004, cited in *New Arrangements in Indigenous Affairs*.

<sup>131</sup> Responsibility for Indigenous Affairs had been transferred to the portfolio of Families, Communities Services, and Indigenous Affairs.

<sup>132</sup> Department of Families, Community Services and Indigenous Affairs, *Indigenous Affairs Arrangements, 2004, 2005, 2006*.

<sup>133</sup> Department of Families, Community Services and Indigenous Affairs, *Indigenous Affairs Arrangements, 2006*.

have some form of participation from ‘the clients’ in assisting government departments to deliver efficient and effective services. The most significant aspect of the new policy and the Government’s blueprint for action in Indigenous affairs was to be a shift from communalism to the individual.’ Brough explained:

For too long governments of all persuasions have focused on the collective Aboriginal community at the expense of considering the needs and aspirations of the individuals and families that make up those same communities. This is a mistake that this new direction will not repeat. While acknowledging the important role that community organisations play, when properly governed, it is imperative that we pay respect to the individual and their right to choose their own pathway. Virtually every other Australian makes the important choices in life for themselves. Where they will live, what school their children will attend, what employment to take up. These are the decisions taken by individuals not community groups. Our focus will be on providing the direct assistance to those people to make decisions for them and their families.<sup>134</sup>

In a NAIDOC address in 2005, the Chairman of the Assembly stated that this decision consolidated the Government’s approach to Indigenous affairs over the past decade – from elected representation and participation with the prospect of regional autonomy and separation of powers, to an administrative approach within the governance structures of individual departments.<sup>135</sup>

Senator Vanstone, as Minister for Immigration, Multicultural and Indigenous Affairs, had explained that the changes would give Aboriginal and Torres Strait Islander communities a voice to deal directly with government – many voices, in fact.<sup>136</sup> The underlying assumption was that Regional Councils and ATSIC had been the intermediaries who had illegitimately claimed to speak for Aboriginal people and denied them a community voice. To achieve direct communication the bodies responsible for empowering and facilitating the voices of communities had to be abolished. In response, the MPRC had argued that the voice of Aboriginal and Torres Strait Islander people had been denied, leaving a void at the regional level, with the Government seeking to fill this void by trawling for alternatives when effective structures had already existed for over a decade. Rather than consolidating the achievements of the last 10 years, the proposed arrangements dismembered them and reduced the capacity for Aboriginal and Torres Strait Islander people to engage in and negotiate

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<sup>134</sup> The Hon. Mal Brough, Minister for Families, Community Services and Indigenous Affairs, *Blueprint for Action in Indigenous Affairs*, National Institute of Governance Indigenous Affairs Governance Series, Canberra, 5 December 2006.

<sup>135</sup> Sam Jeffries, Chairman, Murdi Paaki Regional Assembly, *A Turning Point, Forwards or Backwards for Indigenous People*, Governance, Partnership, Responsibility and Obligation, NAIDOC Keynote Address to the Staff of the Department of Education, Science and Training, 6 July 2005.

<sup>136</sup> Senator Amanda Vanstone, Minister for Immigration, Multicultural and Indigenous Affairs, *Address to the National Press Club*, Canberra, 23 February 2005.

effective and meaningful partnerships.<sup>137</sup>

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<sup>137</sup> Murdi Paaki Regional Council, *Mid-Passage Towards Self-Determination, A New ATSIC*, A submission by the Murdi Paaki Regional Council to the ATSIC Review, August 2003, pp. 3-5.