

Murdi Paaki Regional Assembly

Charter of Governance

April 2006

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Murdi Paaki Regional Assembly

Charter of Governance

PREAMBLE

Establishing jurisdiction

This charter of governance expresses our resolve to manage our own affairs, build sustainable communities and determine our own future. It demonstrates the depth of our resolve to make real improvements in our well-being.

The charter is part of a wider process of establishing jurisdiction for Indigenous communities in the Murdi Paaki Region in our relationships with government and the Australian community.

Establishing jurisdiction involves governance arrangements at the regional and community levels within the Australia's federal system of government. These arrangements will flow from further consultation, discussion, debate and deliberation by communities.

Inter-governmental arrangements

We seek to give expression to our vision within the context of the *Overarching Agreement on Aboriginal Affairs between the Commonwealth of Australia and the State of New South Wales 2005-2010*.

Under the agreement, the Australian and New South Wales Governments are committed to working together to achieve better outcomes for Aboriginal and Torres Strait Islander people in New South Wales.

The principal aim of the agreement is to create mechanisms to promote joint planning, and improve and streamline service delivery so that appropriate services are accessible to Aboriginal and Torres Strait Islander Australians, their families and communities.

The agreement sets out strategic approaches for joint and innovative action by the governments in partnership with communities. Priorities identified by the two governments will complement priorities identified at the local or regional level by communities.

The governments have agreed to work with agreed representative structures at the local and regional levels in a cooperative and coordinated approach.

Under the agreement, local communities will be responsible for determining their plans and local service delivery priorities in partnership with governments. Shared Responsibility Agreements will be based on agreed local priorities which may feed into, or link with, regional partnership agreements and planning. Where appropriate community representation exists, Shared Responsibility Agreements will be made with these groups.

The governments have agreed to provide adequate resources to support capacity at the local and regional levels. They will work with Aboriginal people to determine arrangements for Aboriginal consultation and representation.

The collaborative arrangements initiated under the Murdi Paaki COAG Trial will come under the auspices of the agreement. The arrangements are currently being evaluated.

Building regional governance

The strategy for Aboriginal jurisdiction is built on a number of planks:

- Aboriginal sovereignty
- Self – determination
- Leadership and recognition
- Regional autonomy and authority
- Creating the environment for community governance
- Community and regional constitutions
- Community and regional charters for Aboriginal jurisdiction

This charter is concerned with community and regional governance. It seeks to provide a facilitating and representative framework for the provision of services incorporating coordination and partnership arrangements.

Fundamental to the provision of services for communities, families and individuals is engagement with government to improve the way services are provided and to achieve better outcomes. Pursuant to this goal, the charter incorporates a structure of governance and service delivery for the Indigenous people of the Murdi Paaki region.

Our governance arrangements are embodied in a Murdi Paaki Regional Assembly, its constituent Community Working Parties and their linkage with all service providers. They fit community ideals and way of doing business in accordance with Aboriginal tradition. They ensure participation in government decision making on those matters that are fundamental to our lives and well-being.

OUR VISION

Our vision is to

- establish Aboriginal jurisdiction in the Murdi Paaki region based on recognition of our human rights as Indigenous peoples, political, social and cultural respect for Aboriginal and Torres Strait Islander people in Australian society, and equitable participation in the economic development of the region.

OUR STRATEGIES

Our vision will be achieved by:

- exercising our rights and freedoms as Indigenous people
- the good governance and administration of our regional governing body, its ancillary organisations, and State and Commonwealth agencies
- working in partnership with governments at all levels
- strengthening and preserving our culture and our lifestyles
- supporting and enhancing the living standards of our people
- working together towards self-sufficiency in all of our activities and in each other's interest
- improving the access of our people to services and the way they are delivered

OUR GOALS

Our goals are to:

- ensure Aboriginal and Torres Strait Islander people participate in all decision-making that affects our lives
- connect Aboriginal and Torres Strait Islander people with all service delivery arrangements
- have a legislative regime which reinforces the connection between Indigenous participation and accountable service delivery by government agencies to provide an authoritative and consistent framework of shared responsibility and accountability
- influence and control the way policies and services are implemented

SELF DETERMINATION AND ABORIGINAL SOVEREIGNTY

Shared Responsibility

The Murdi Paaki Regional Assembly, representative of Aboriginal and Torres Strait Islander communities in the Murdi Paaki Region, reaffirms its goal of self-determination within the authority of Aboriginal sovereignty.

We define self-determination as the capacity and authority to make the decisions on all matters affecting our well-being, including the way government agencies meet their responsibilities for providing services. The fundamental pillars of self-determination are legitimacy, credibility, acceptance and participation and accountability expressed through governance arrangements.

In developing our goals, we have been guided by the following:

- *“The key to the way forward is in the concepts and rights that we have implied into the terms “self-determination” and “sovereignty” when we use those words to describe a vision of what we would like our communities to be like and the way we want to live our lives as Indigenous peoples.*
- *“The starting point for self-determination and Aboriginal sovereignty is the way in which it is expressed by Indigenous peoples at a grass-roots level. It is a bottom-up, rather than top-down approach.*
- *“An Indigenous spectrum of rights includes everything from the acceptance of our responsibilities, enjoyment of our inherent freedoms, and the right not to be discriminated against, the rights to enjoy language, culture and heritage, our rights to land, seas, waters and natural resources, the right to be educated and to work, the right to be economically self sufficient, the right to be involved in decision-making processes that impact upon our lives and the right to govern and manage our own affairs and our own communities.”¹*

Good governance

The declared commitment of the Council of Australian Governments (COAG) to overcome the social and economic disadvantages experienced by Indigenous Australians and ensure a better standard of living for us must be pursued within a self determination framework where Aboriginal and Torres Strait Islander peoples have control over the decisions that affect us through structures determined by our people. This is what we call good governance

The Murdi Paaki Regional Assembly recognises that real power rests in determining how and where resources and services are to be allocated. The Assembly seeks to negotiate as a full and equal partner in any new government arrangements.

The Regional Assembly commits to work in partnership with government and non-government agencies to plan, coordinate and deliver appropriate, culturally diverse, high-quality programs and services to the people of the Murdi Paaki region.

¹ Professor Larissa Behrendt, *Globalisation and Self-determination: The challenges for Sovereignty and Governance*, Indigenous Governance Conference, 3-5 April 2002, Canberra

As a collective leadership of the Murdi Paaki region our role is to provide the highest standard of governance, accountability, advocacy, and direction and support the principles of shared responsibility, strong leadership, commitment and partnership.

We commit to the forging of practical solutions and realistic measures to free us from the poverty trap and break the generational cycle that hands down a legacy of social dysfunction. Community governance is the tool that returns responsibility to us.

CREATING THE ENVIRONMENT FOR COMMUNITY GOVERNANCE

Communities are our directing force

Regional and community structures and processes determined by Aboriginal and Torres Strait Islander people have been our directing force and must survive in any new arrangements. We, in partnership with, rather than government acting alone, can best decide the manner in which services should be delivered.

Community governance and empowerment are central to bringing about change. We recognise that communities will continue to need assistance in partnership with government for those matters beyond the powers of communities to fix.

The Murdi Paaki Regional Assembly and constituent Community Working Parties maintain a commitment to having the authoritative say in the way services are delivered in their communities. To achieve this requires the negotiation of partnerships and networks committed to community governance.

Communities must be able to take responsibility for ensuring the future of our people. To do this they must take control and not be controlled by a welfare system. Equally important is the need to ensure that governments do not merely transfer decision making to communities, which simply places a fence around programs and services and results in community decisions that transfer welfare payments from one area to another.

It is important that agencies responsible for providing services come to our table first to determine priorities, where and how services should be provided, and the desired outcomes.

Regional autonomy and authority

We now seek to negotiate jurisdiction, authority and processes in our communities to strengthen our community governance, express our self determination and sovereignty and promote our rights through leadership, recognition and participation. In this way we aim to move towards a strategic approach to secure and allocate resources and services.

COAG has responded to Aboriginal leadership and recognised the need to :

- build community governance, capacity and leadership
- re-engineer programs to respond to local needs
- change the way government departments do business with Indigenous communities.

Central to this approach is for government departments to work with Indigenous communities to better implement, coordinate and integrate the design and delivery of programs and services.

The focus of our commitment is to strengthen the role and participation of the 16 major and seven smaller communities in regional decision-making and service delivery in ways more directly relevant to the circumstances of the region's 7300 Aboriginal and Torres Strait Islander people and to improve outcomes for them.

The framework specifically distinguishes between governance and service delivery but links them structurally through elected community representation and engagement with service providers.

Relationship to Indigenous organisations

Aboriginal organisations have a long history of empowering and providing services to Aboriginal and Torres Strait Islander communities, ranging from organising sporting functions to legal services.

Each organisation has its own membership and governance arrangements and performs specific functions. They have a three-way accountability – to the agencies who fund them, to their members, and to the Aboriginal and Torres Strait Islander communities they serve.

Aboriginal organisations join with other service providers – Commonwealth, State and local government – in meeting the needs of Aboriginal and Torres Strait Islander communities.

Community councils will determine which Aboriginal organisations deliver services funded by the Regional Authority.

All agencies must work together in association with communities to ensure better outcomes.

Relations with governments

Relationships with governments are an important dimension of the regional governance framework, based on the principle of working together to achieve better outcomes in accordance with Government policies and the aspirations and needs of communities as they identify them.

A regional body will:

- link government outcomes to the improvement of communities with a focus individual capabilities and family security;
- increase the Government's own capacity to respond to the interests of Aboriginal and Torres Strait Islander people;
- secure government funding through partnerships and networks;
- ensure that "whole of government" responses are managed through existing Indigenous institutions; and
- promote the efficient and effective delivery of services by all levels of government working together.

The regional interest requires a new relationship with Aboriginal and Torres Strait Islander people to bring about positive change. There can be no relationship without partnership. There can be no partnership without participation.

COMMUNITY AND REGIONAL ARRANGEMENTS

Governance Objectives

The objectives of our Regional Governance framework are to:

- establish a framework of good governance built on true community control
- acknowledge that good governance is about respecting the right of Aboriginal and Torres Strait Islander communities to make decisions about their own development, ensuring they have the capacity to take responsibility, and the need for governments to be responsive to community needs
- recognise that communities will continue to need assistance in partnership with government for those matters beyond the powers of communities to fix for a variety of reasons
- offer government a legitimate representative structure at the community level to secure effective investment in those communities to support individuals and families
- support direct participation in regional decision-making to make it more relevant for communities and to give them greater ownership
- recognise the important role community working parties play in improving service delivery and assisting in laying the foundations for the next phase of regional development
- focus on community well-being as the indicator for desired outcomes, determined within the environment of the individual, family, clan and community
- work with all government and non-government agencies to achieve better outcomes for Aboriginal and Torres Strait Islander people
- secure a national legislative framework for the operation of regional governing bodies to ensure consistency in roles and responsibilities and certainty in their operations and relationship with government.

Representative and authority structures

Following extensive consultation with communities, we have settled the region's representative and authority structures.

The structures derive their authority from communities within the Murdi Paaki region. They will facilitate the implementation of the Government's proposed new arrangements for the delivery of services by mainstream agencies.

The arrangements have two parts.

A. REGIONAL GOVERNANCE

Regional governance will be exercised through a Regional Assembly whose membership is drawn directly from communities through Community Working Parties elected by the people.

The functions of the Regional Assembly will be to:

- respect, maintain and recognise the special and unique customs and beliefs of the Aboriginal and Torres Strait Islander peoples living in the region
- advocate the interests of Aboriginal and Torres Strait Islander people in the region
- formulate, and revise from time to time, a Regional Plan to improve the economic, social, and cultural status of Aboriginal and Torres Strait Islander individuals and communities of the region
- determine regional priorities
- assist, advise, and co-operate with the Commonwealth and State, Territory and local government bodies in the implementation of the regional plan
- assist, advise, and co-operate with Aboriginal and Torres Strait Islander individuals, communities, Community Working Parties, and organisations
- report to Community Working Parties on the operations of the Regional Governing Body, Commonwealth, State, Territory and Local Government, non government agencies and local organisations.
- monitor the implementation and effectiveness of programs and services delivered by government and non-government agencies for Aboriginal and Torres Strait Islander people living in the region
- contribute to the co-ordination of the activities of Commonwealth, State and local government bodies that affect Aboriginal and Torres Strait Islander people living in the region
- develop policy proposals to meet national, State, regional, and local needs and priorities of Aboriginal persons and Torres Strait Islanders living in the region
- develop policy proposals consistent with the COAG agenda in relation to the region
- report on the achievement of outcomes

Consistent with the Commonwealth Government's approach to policy and service delivery, the Assembly will perform a crucial role as both a 'gateway' and 'checkpoint' for implementing programs and providing services for Aboriginal and Torres Strait Islander people at the regional and community levels.

The Assembly seeks to establish the capacity to evaluate the implementation plans of Departments and the outcomes of government programs consistent with community aspirations.

Within the implementation framework outlined by the Commonwealth, the Assembly will aim to assess program proposals and service delivery in accordance with their scope,

milestones, risks, impacts and governance arrangements which provide the delivery framework.

A fundamental aspect of the Assembly's operations will be to report to communities and the government on outcomes on a quarterly milestone and annual basis to ensure continuing improvement.²

B. COMMUNITY GOVERNANCE

Each community has established a Community Working Party representative of the people in their communities. As the foundation stones of our Assembly, Community Working Parties are owned by the communities themselves and are of their making. Community Working Parties are an innovation of Murdi Paaki Regional Council as a response to initiatives by communities.

The functions of Community Working Parties are to:

- represent and advance the interests of the community, individuals and families
- elect a representative to the Regional Assembly
- engage with Commonwealth, State, local government and Aboriginal organisations in the provision of services
- determine community priorities
- implement the community vision
- sustain the practice of community governance
- prepare a community plan
- negotiate service delivery agreements with government agencies
- engage with service providers to articulate community goals, aspirations and priorities

² Dr Peter Shergold, Secretary, Department of the Prime Minister and Cabinet *Plan and Deliver: Avoiding Bureaucratic Hold-up*, Australian Graduate School of Management/Harvard Club of Australia, 17 November 2004.

SERVICES AND ADMINISTRATION

Services

The Assembly is committed to ensuring that services are responsive to the needs of communities and are delivered through flexible funding arrangements that respond to community priorities.

The Regional Assembly acknowledges the need to work within the COAG *National Framework of Principles for Delivering Services to Indigenous Australians*.

We hold to the view that improving economic, social and environmental well-being can best be achieved where national and state priorities are fully aligned with the aspirations of Aboriginal and Torres Strait Islander people at the regional level.

We declare that there are two fundamental and indivisible elements to improving services to Aboriginal and Torres Strait Islander people to achieve better outcomes:

- authority and control through representative institutions of Aboriginal and Torres Strait Islander people determined by them to reflect regional and community circumstances
- the responsibility of mainstream Departments to provide efficient, effective and cultural match for services in accordance with priorities determined by Aboriginal and Torres Strait Islander people and accountable to them.

The principles of service delivery arrangements should be to:

- build self-management and self-reliance as a response to Aboriginal community self-determination
- develop the capacity of individuals and communities for the future
- ensure coordination of services among contributing Departments
- invest in communities in accordance with regional and community plans
- ensure a balance between special initiatives and mainstream services

We believe there is a requirement for legislation which:

- embeds the role of Indigenous regional bodies in service delivery arrangements
- integrates service delivery by all Commonwealth agencies
- ensures accountability of service delivery by agencies to both the government and Indigenous people pursuant to shared responsibility.

Administrative Arrangements

Within the COAG National Framework Governments have resolved that appropriate consultation and delivery arrangements will be agreed between the Commonwealth and individual States and Territories.

The Murdi Paaki Regional Assembly asserts that appropriate delivery arrangements must also be negotiated and agreed with Aboriginal and Torres Strait Islander people, at the community and regional levels, to ensure their participation in decision-making and accountability to them for the way services are delivered.

For the purposes of the COAG framework:

- The Murdi Paaki Regional Assembly is to be the peak regional body and primary point of Indigenous community contact
- The Murdi Paaki Community Working Parties are the peak community bodies and primary points of Indigenous community contact in each community across the region.

Within this framework, the Regional Assembly declares that:

- mainstream agencies should be made more responsive and accountable for the services they are required to deliver to Aboriginal and Torres Strait Islander people
- government program outputs should be better aligned with Indigenous aspirations and measured against indicators of well-being determined in the community environment of the individual, family and clan group
- there should be a single regional Indigenous Affairs budget of identified expenditure for Indigenous services, both mainstream and Indigenous specific, based on the outputs of each participating Department
- regional budgets should incorporate and provide for discretionary expenditure on special initiatives determined by the Regional Assembly

The Assembly should have appropriate administrative and financial capacity to enable it and community working parties to perform their functions. Financial and administrative arrangements are intended to:

- assist the Regional Assembly and Community Working Parties to effectively influence and participate in policy development, program design and decision making at all levels of government
- provide basic operational, policy and planning support for the Assembly and Community Working Parties
- assist in the development of strong and skilled Indigenous leadership
- facilitate the engagement of Indigenous people with the wider Australian society

- build capacity at the community level to facilitate linkages and partnerships between Aboriginal organisations and government agencies
- sustain services and developments

The Regional Assembly believes that in constructing a regional budget of identified Indigenous specific and mainstream expenditure for all government and non-government outputs the aligning of the COAG indicator framework with community aspirations provides a better basis for accountability and performance.

The Regional Assembly has identified a single regional outcome of community, economic and environmental improvement delivered through three outputs:

- community
- economic
- environmental

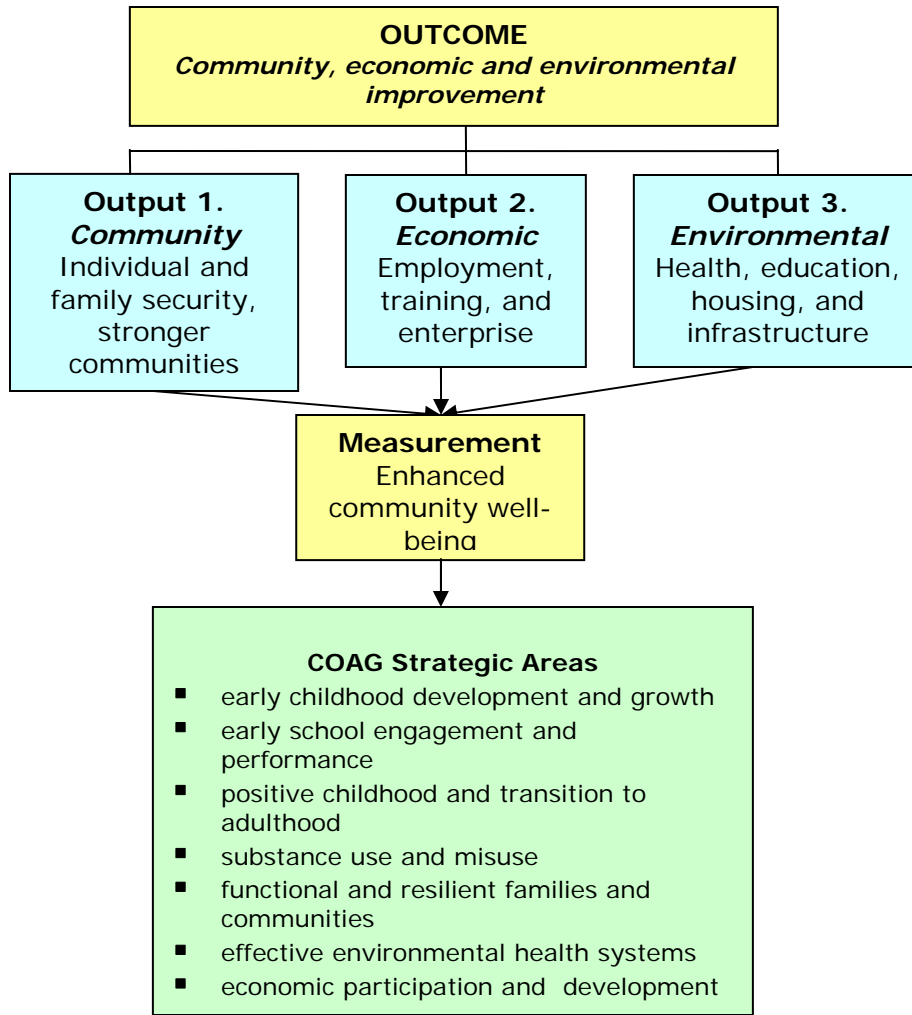
The alignment is indicated in the following diagram.

Consistent with emerging government policy implementation arrangements, the structure of participation might take the following form:

- agree the purpose of the program
- identify delivery challenges
- ensure potential or emerging problems are understood
- develop strategies to overcome them
- monitor progress closely against identified timelines, milestones and budgets³.

³ Dr Peter Shergold, Secretary, Department of the Prime Minister and Cabinet *Plan and Deliver: Avoiding Bureaucratic Hold-up*, Australian Graduate School of Management/Harvard Club of Australia, 17 November 2004.

MURDI PAAKI REGIONAL BUDGET



COAG PRIORITY OUTCOMES



CODE OF CONDUCT

As members of the regional governing body we are committed to carrying out our duties with professionalism and integrity.

Unity, loyalty and respect are fundamental principles of the Regional Assembly.

As members, our conduct will be guided by the following values:

- Honesty
- Integrity
- Accountability to our communities
- Transparency
- Selflessness
- Professionalism
- Commitment
- Leadership
- Confidentiality

As members of the Regional Assembly we acknowledge our responsibility to maintain the public trust in us, to work diligently and with integrity, and to use the influence gained as office holders to advance the common good of the Aboriginal and Torres Strait Islander people of the Murdi Paaki region.

An underlying principle of the code of conduct will be the separation of advocacy and policy formulation from management and implementation of service delivery and for performance outcomes within an agreed accountability framework.

MURDI PAAKI REGIONAL GOVERNANCE AND INTEGRATED SERVICE DELIVERY FRAMEWORK

