

Murdi Paaki Regional Assembly

SUBMISSION TO THE CONSULTATIONS ON A PROPOSED NATIONAL REPRESENTATIVE BODY FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE.

OUR POSITION

The Murdi Paaki Regional Assembly welcomes the establishment of a national representative body for Aboriginal and Torres Strait Islander people. The government's decision to negotiate a national representative body is an historic decision-making moment.

The loss of a national structure for Aboriginal and Torres Strait Islander people with the abolition of the ATSIC system has been detrimental to the advocacy of Aboriginal and Torres Strait Islander interests.

We recognise an opportunity to re-shape the way Aboriginal and Torres Strait Islander people participate in the machinery of government while at the same time having a strong and independent advocacy organisation. We need to get it right.

We believe it would be impractical at this time during the consultations to prescribe the constitution of a national body. Important for us, however, are the regional and local arrangements to underpin national governance arrangements.

We believe there are three key elements in the development of a national representative body as part of governance arrangements in Indigenous Affairs - policy, advocacy and accountability.

The crucial element is to determine what a national body will do. That decision should allow for an evolutionary process from communities and regions to pull the composition together.

Our submission is based on more than a decade of building regional and community governance structures in western New South Wales during all phases of government policy - within the ATSIC system, the promotion of regional autonomy as a government policy objective, under the then government's new administrative arrangements following the abolition of ATSIC, and now within a new compact of change and reform.

A LEGISLATIVE FRAMEWORK

As a successor to the former ATSIC Regional Council, the Murdi Paaki Regional Assembly believes that any new national representative body, however it is constituted,

should derive its legitimacy from communities and be accepted by government as an integral part of Indigenous governance arrangements within the Australian federation.

Based on our experience, a national representative body should be able to influence government while being part of a framework to ensure the accountability of mainstream agencies in delivering services to Aboriginal and Torres Strait Islander people at the regional and community level.

With the experience of the abolition of ATSIC behind us, the Assembly remains suspicious of any legislative arrangement, exposing structures to the will of the Government of the day. There needs, nevertheless, to be a legislative connection between a national elected body and government.

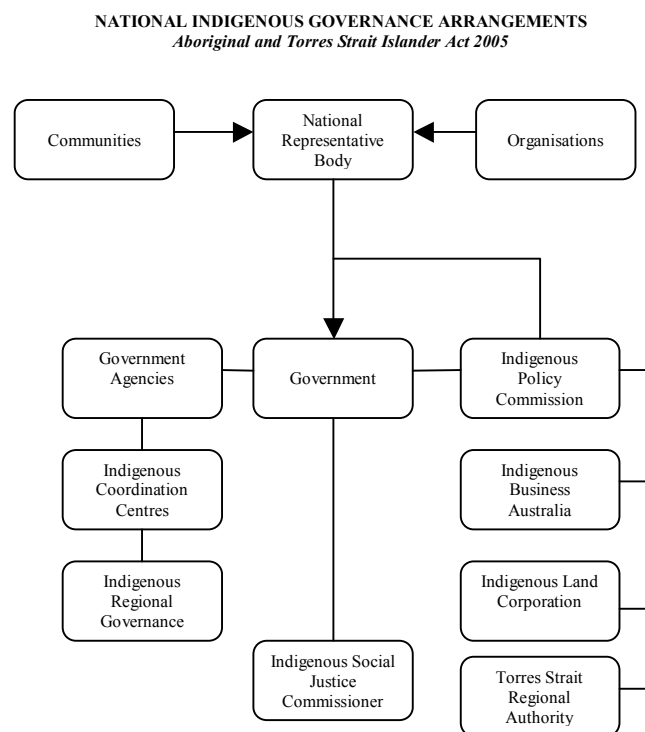
The absence of a legislative framework of national and regional governance removes the capacity of Aboriginal and Torres Strait Islander people to be their own agents of change while at the same time assisting the government in the formulation of policies and their implementation. To achieve this requires a genuine voice at the national, regional and community level working in harmony with each other.

We believe that with appropriate amendments, the existing *Aboriginal and Torres Strait Islander Act 2005* provides a legislative framework for the creation and operation of a national representative body linked structurally to government and regions.

This is inherent in the first object of the Act “to ensure maximum participation of Aboriginal persons and Torres Strait Islanders in the formulation and implementation of government policies that affect them.”

In creating a national representative body, it is important to avoid the real danger that a national representative body may be portrayed, and in the end, sidelined, as a lobby organisation and not formally recognised as a legitimate participant as a key stakeholder in Indigenous development.

To achieve this a national body must have the resources to research and argue independent positions informed by the circumstances, experience and aspirations of Aboriginal and Torres Strait Islander people at the regional and community levels.



In these circumstances, the legislative connections are important to provide for a relationship with government, on the one hand, and with regional and community structures on the other, while maintaining the independence of a national representative body.

It is our view that the 2020 summit opened the door on a statutory commission that would bring government service providers to account for the investment of public funds in accordance with priorities determined by Aboriginal and Torres Strait Islander people and the responsibility of agencies to perform effectively, efficiently and accountably in response to needs identified by Indigenous communities.

The government’s broad policy framework in response is based on “closing the gap” in Indigenous disadvantage, driven by the Australian Government’s relationship with Aboriginal and Torres Strait Islander people “being recast through meaningful engagement, not just consultation for its own sake.”¹

Underpinning the government’s approach is strong leadership and good corporate governance to achieve long-term sustainable outcomes in partnership with Aboriginal and Torres Strait Islander people.²

There is also government recognition that improving outcomes for Aboriginal and Torres Strait Islander people requires reform of governance and accountabilities – new ways of working – to ensure that government expenditure is targeted, effective and accountable.³ This requires a new partnership with Aboriginal and Torres Strait Islander people - “working with Aboriginal and Torres Strait Islander people rather than imposing solutions on them.”⁴

CONNECTING GOVERNMENT, A NATIONAL REPRESENTATIVE BODY AND THE REGIONS

National interface

The connecting structural interface between Indigenous people and government will be an important element of any new arrangements. These arrangements should be flexible enough to embrace regional governance entities developed in Indigenous communities. The Murdi Paaki Regional Assembly represents but one example of such an entity.

¹ Closing the gap between Indigenous and non-Indigenous Australians, Statement by the Hon. Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, 13 May 2008

² Closing the gap between Indigenous and non-Indigenous Australians, Statement by the Hon. Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, 13 May 2008

³ Closing the gap between Indigenous and non-Indigenous Australians, Statement by the Hon. Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, 13 May 2008

⁴ Closing the gap between Indigenous and non-Indigenous Australians, Statement by the Hon. Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs, 13 May 2008

Such a structure suggests that the existing Indigenous Policy Commission move from being an administrative construct to having legislative authority so as to provide the operational linkage between an independent national representative body, government, and the regions. Unlike ATSIC, such a Commission would be policy oriented and would have no program responsibilities.

We would see an Indigenous Policy Commission being a lead agency in the development of policy and the provision of services for Aboriginal and Torres Strait Islander people, reinforced by its connection with a national representative body. We would envisage cross membership of such a Commission, including persons nominated by the national representative body.

Regional arrangements

A national body should emerge out of local and regional arrangements. Thus, in making a decision on a national body, there needs to be a parallel decision on regional arrangements.

The Murdi Paaki Regional Assembly believes there is a strong case for the restoration of the former Part Three of the *Aboriginal and Torres Strait Islander Commission Act 1989*, establishing a legislative framework for regional entities which will feed into a national representative body and government decision-making.

An amendment to the Aboriginal and Torres Strait Islander Act along these lines would provide a statutory link between a national body and regional entities, with a focus on improving mainstream service delivery at the regional and community levels through the direct participation of Aboriginal and Torres Strait Islander people and engagement with them in planning and setting priorities.

It should be open for Aboriginal and Torres Strait Islander people to determine their own representative structures reflecting the diverse circumstances of Indigenous communities. The Minister would be empowered to prescribe regional bodies that meet the principles of the government's new arrangements and to recognise bodies incorporated under State and Territory legislation where there is agreement between the jurisdictions.

Indigenous people need to be involved in the design and delivery of mainstream services so that they may control, or have strong influence over, service delivery expenditure and regional and local service delivery arrangements.

To this end, a reinstated part 3 of the legislation would seek to provide for:

- the full and effective participation of Indigenous people in decisions affecting funding distribution and service delivery by government agencies
- collaborative processes to maximise opportunities for pooling of funds and cross-functional approaches to service delivery

- the targeting of funds provided for the delivery of major government works and services
- single line national and regional budgets incorporating the inputs of all government agencies
- promote leadership, strategy and accountability
- ensure a “regional focus” so that service strategies are shaped by the needs of particular regions and communities and that services are delivered in accordance with local priorities and preferred delivery methods

In all instances, the structures must have the agreement of Aboriginal and Torres Strait Islander people living in the region. A national representative body would provide a necessary national approach to Indigenous development built around and strengthened by regional participation.

CONCLUSION

A key to the achievement of the government’s “whole of government” goals is the participation of Aboriginal and Torres Strait Islander people in strategic planning, the determination of functional priorities, coordination arrangements at the regional level and the involvement of communities in the delivery of services through community action plans. Appropriate governance structures are necessary to ensure this participation.

A legislative framework would give strength to future arrangements and guide the development and accreditation of effective structures across the country in partnership with Indigenous Coordination Centres as the tools of Departmental coordination reflecting community priorities. Such a framework would strengthen Indigenous leadership at both the national and regional levels.

Consideration needs to be given by government to the desirability of a white paper on future structural arrangements once the consultations have been concluded so that there can be an appropriate national debate on the broad thrust of new policy proposals in Indigenous Affairs.