

CHAPTER 29

Continuity Out of the ATSIC Era

Following passage of the amendments to the *Aboriginal and Torres Strait Islander Commission Act (ATSIC Act)* and its replacement by the *Aboriginal and Torres Strait Islander Act (ATSI Act) 2005*, ATSIC was abolished on 23 March 2005 and Regional Councils were to be abolished on 30 June 2005. The government's new arrangements became effective as from 1 July 2005.¹

The new arrangements which now faced the Murdi Paaki Regional Council had been outlined by the Minister for Citizenship and Multicultural Affairs and Minister assisting the Prime Minister, Mr. Hardgrave, in his second reading speech on 27 May 2004 in the House of Representatives.²

Mr. Hargraves said:

Going beyond the abolition of the ATSIC Board, replacement of Regional Councils and consequential amendments in this bill, the government will be introducing radical and necessary changes to the way in which services are delivered to Indigenous Australians. The changes will build on what we have learnt from the whole of government approach adopted in the COAG Indigenous trials currently operating in each State and Territory.

The new arrangements involved:

- Allocating all programs for which ATSIC and ATSI were responsible to mainstream government agencies;
- New measures to enhance coordination and accountability;
- A Ministerial Task Force chaired by the Minister responsible for Indigenous affairs to provide 'whole of government' leadership on Indigenous issues;
- A Secretaries Group to support the ministerial task force;
- Establishing a National Indigenous Council to provide policy advice to the government at the national level;
- Regional agreements and shared responsibility agreements at the local level;
- Discussing the best way forward with the States and Territories at the next meeting of the Council of Australian Governments (COAG);
- A new Office of Indigenous Policy Coordination in the Department of Immigration and Multicultural and Indigenous Affairs to provide policy advice to the Minister, coordinate policy development and service delivery across government and oversee relations with state and territory governments; and
- A network of Indigenous Coordination Centres in rural and remote areas to replace ATSIC/ATSI offices and operate as a

¹ Murdi Paaki Regional Council, *Annual Report, 2004-2005*.

² House of Representatives, *Hansard*, 27 May 2004.

multidisciplinary team offering a whole of government service to local communities.

Mr. Hargraves said that while some Regional Councils worked well, arrangements for engaging with Indigenous Australians at the regional and local level needed to be improved. ATSIC's Regional Councils would have the opportunity for input, recognising that different models were likely to emerge in different regions and jurisdictions.

In anticipation of the new arrangements, the Murdi Paaki Regional Council, which had already launched the Murdi Paaki Regional Assembly as an advisory body to it so that communities would have a direct input into the Council's decision-making, sought to secure recognition of the Assembly as a representative voice of Indigenous communities in the Murdi Paaki Region to succeed the Regional Council.

In an announcement on 29 June 2005, the Minister for Indigenous Affairs, Senator Vanstone, identified the Murdi Paaki Regional Assembly, which had already met a number of times, as one of a number of regional representation arrangements that had been emerging around the country since the government's announcement of the new arrangements.³

She indicated that the regional Shared Responsibility Agreement already in place with the Regional Council under the COAG trial could be amended to facilitate engagement with the Murdi Paaki Regional Assembly.

Senator Vanstone said the key objective of any new agreement would be to strengthen community and regional governance. The Assembly would be recognised as the peak Indigenous regional body and the primary point of Indigenous community coordination and input, while the Community Working Parties would remain as the primary points of Indigenous contact at the community level.

Senator Vanstone said that to ensure that the new bodies had the opportunity to meet and consult with their communities the Commonwealth, along with State and Territory governments, would provide modest, targeted funding. Many of the Regional Councils had been actively involved in working with the Indigenous Coordination Centres and Indigenous communities to develop new arrangements.

On 1 August 2005, within a month of the abolition of the Regional Council, the Commonwealth and State Governments signed a shared responsibility agreement recognising the Murdi Paaki Regional Assembly and its constituent Community Working Parties as the peak regional Indigenous community structure.⁴ The Assembly assumed responsibility for arrangements previously entered into with the Regional Council in a regional shared responsibility agreement on 22 August 2003 as part of the COAG trial.⁵

³ Senator Amanda Vanstone, Press Statement, 'Minister Announces New Indigenous Representative Arrangements', 29 June 2005.

⁴ Office of Indigenous Policy Coordination, *Fact sheet*, undated.

⁵ Shared Responsibility Agreement between the Commonwealth of Australia, the NSW Government and the Murdi Paaki Regional Council, 22 August 2003.

Acknowledging the prospective abolition of the Regional Council, its chairman, Mr. Jeffries, said:

Sadly, we again find ourselves in the midst of 'a bold experiment', one would think or be led to believe that Aboriginal and Torres Strait Islander people and their issues are some complex, irresolvable scientific problem. But we must move on and in moving on, I along with the Council am proud for one thing, and extremely confident that the governance and representative arrangements in the Murdi Paaki Region will take our communities forward into any future arrangements.⁶

Describing the foundations of the governance arrangements, Mr. Jeffries said:

Our governance and representative arrangements, the Community Working Parties and the Murdi Paaki Regional Assembly belong to the Aboriginal and Torres Strait Islander residents of the region, they are not an instrument of government, and as such can only be taken away by the people and not be at the political disposal of government.

Mr. Jeffries outlined the functioning of Community Working Parties in these terms:

The Community Working Parties and the Regional Assembly are linked to the delivery of Federal, State and local government programs and services through Shared Responsibility Agreements and Regional Partnership Agreements, providing much needed guidance and broad strategic advice on community and regional priorities, identifying and determining outcomes, planning, policy development, undertake an advocacy role and undertake monitoring and evaluation processes...As we continue to move into the COAG trial and out of the ATSIC era, the governance arrangements will be the vehicle that moves us from where we are now to where we went to be in the future.

The Murdi Paaki arrangements, he said, were about community and regional governance, not about the management or administration of programs and services, but ensuring that governments and service providers discharged their citizenship responsibilities in the provision of those programs and services to Aboriginal and Torres Strait Islander residents of the region.

The Murdi Paaki Regional Council's engagement in the new arrangements had already been demonstrated in the signing of shared responsibility agreements in three communities and further regional priorities added to the existing Regional Shared Responsibility Agreement including secretariat services to Community Working Parties. By 30 June 2005, all Community Working Parties would have completed their community plans which identified their needs and aspirations, how they wished to have those issues addressed and set the foundation for negotiations on who would take responsibility. The Council was negotiating a Regional Partnership Agreement to recognise and provide resource support for the Murdi Paaki Regional

⁶ Sam Jeffries, Chairperson's Overview, Murdi Paaki Regional Council, *Annual Report*, 2004-2005, p. 3.

Assembly.

In the final annual report for the Murdi Paaki Regional Council, Mr. Jeffries, made this informed self assessment of the Regional Council's performance:

Murdi Paaki Regional Council is having its chapter closed but it will go out as one of the most productive, strategic and innovative Regional Councils ever, its name is synonymous (with good governance) in communities, throughout the State of New South Wales, indeed throughout the country, and in the government sector at all levels. I am confident it will continue to have its influence around for years to come. I feel a great deal of comfort to know that we made a significant contribution to the development of Aboriginal and Torres Strait Islander people.⁷

⁷ Murdi Paaki Regional Council, Annual Report, 2004-2005, p. 4.