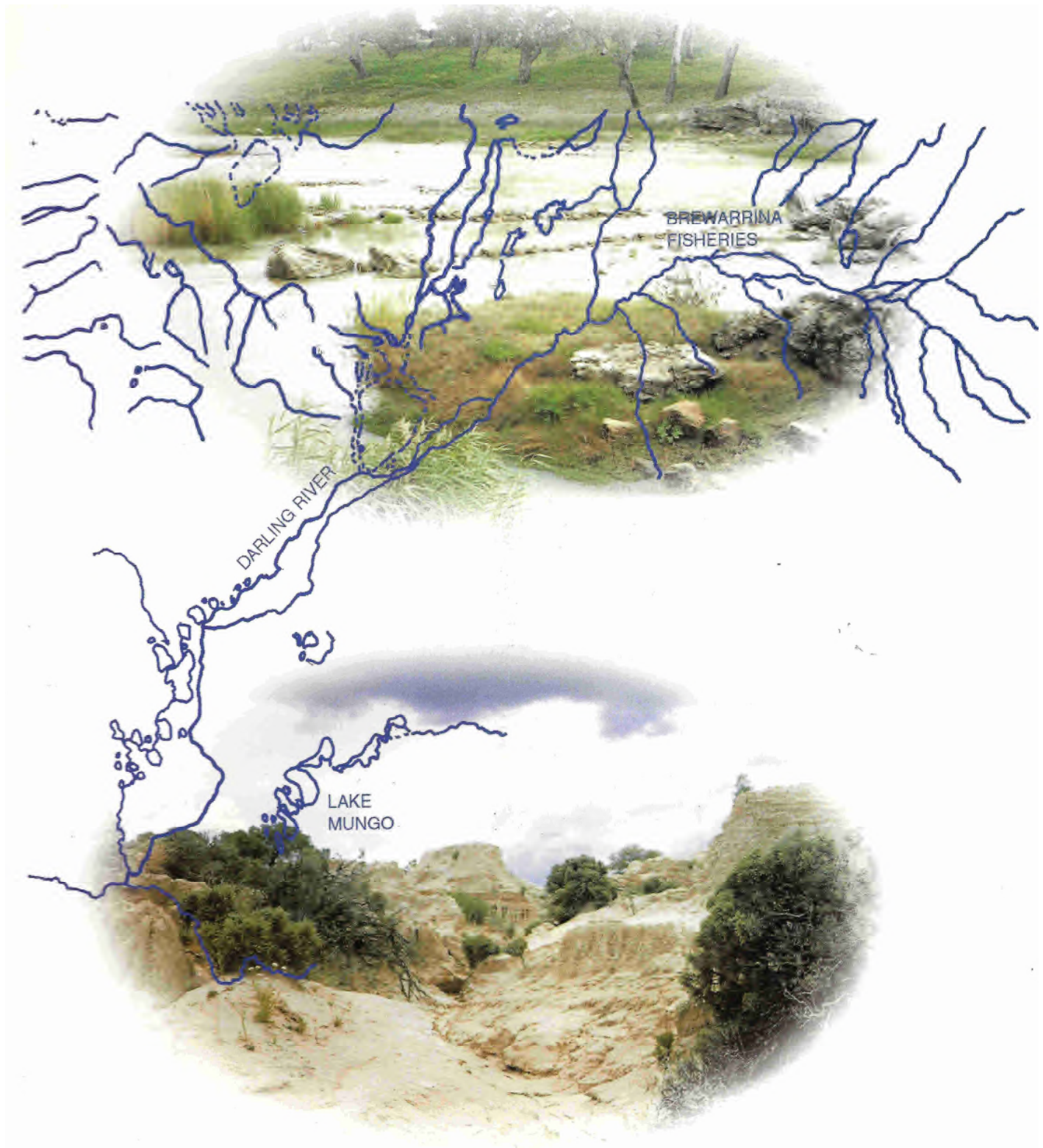




MURDI PAAKI REGIONAL ASSEMBLY
COMMUNITY-LED GOVERNANCE
HISTORY AND EXPERIENCES IN THE MURDI PAAKI REGION

SEPTEMBER 2019





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GLOSSARY

AAL	Australian Aborigines' League
AANSW	Aboriginal Affairs NSW
ACDP	Aboriginal Communities Development Programme
ACHP	Aboriginal Community Housing Provider
ADC	Aboriginal Development Commission
AEHIF	Aboriginal Environmental Health Infrastructure Forum
AEHIP	Aboriginal Environmental Health Infrastructure Programme
AHO	NSW Aboriginal Housing Office
ALP	Australian Labor Party
ALRA	Aboriginal Land Rights Act 1983 (NSW)
ALT	Aboriginal Land Trust
APA	Aborigines Progressive Association
APB	Aborigines Protection Board
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSI	Aboriginal and Torres Strait Islander Services
AWB	Aborigines Welfare Board
AWU	Australian Workers' Union
CAP	Community Action Plan
CDEP	Community Development Employment Projects
CEO	Chief Executive Officer
CHIP	Community Housing and Infrastructure Programme
CIRCA	Cultural & Indigenous Research Centre Australia
COAG	Council of Australian Governments
CWP	Community Working Party
DAA	Department of Aboriginal Affairs
DEST	Australian Department of Education, Science and Training
DET	NSW Department of Education and Training
FWAHS	Far West Area Health Service
FWRC	ATSIC Far West Regional Council
FWWAHS	Far West Ward Aboriginal Health Service
HEHP	Housing and Environmental Health Plan
HIPP	Health Infrastructure Priority Projects
IAS	Indigenous Advancement Strategy
ICC	Indigenous Co-ordination Centre
LALC	Local Aboriginal Land Council
LDM	Local Decision Making

MoU	Memorandum of Understanding
MPAYELA	Murdi Paaki Aboriginal Young and Emerging Leaders Assembly
MPPP	Murdi Paaki Partnership Project
MPRA	Murdi Paaki Regional Assembly
MPRC	ATSIC Murdi Paaki Regional Council
MPREC	Murdi Paaki Regional Enterprise Corporation
MPRHBC	Murdi Paaki Regional Housing and Business Consortium Project
MPRHC	Murdi Paaki Regional Housing Corporation
MPS	Murdi Paaki Services Limited
MPTEAC	Murdi Paaki Training and Employment Aboriginal Corporation
NAC	National Aboriginal Conference
NACC	National Aboriginal Consultative Committee
NAHS	National Aboriginal Health Strategy
NGO	Non Government Organisation
NIAA	National Indigenous Australians Agency
NSW	New South Wales
NSWALC	NSW Aboriginal Land Council
OAA	NSW Office of Aboriginal Affairs
OAM	Medal of the Order of Australia
OCHRE	Opportunity, Choice, Healing, Responsibility, Empowerment
OIPC	Office of Indigenous Policy Co-ordination
PM&C	Department of the Prime Minister and Cabinet
RAHLA	Regional Aboriginal Housing Leadership Assembly
RAPI	Royal Australian Planning Institute
RCMG	Regional Co-ordination Management Group
REDI.E	Regional Economic Development Institute
REG	Regional Engagement Group
RPA	Regional Partnership Agreement
RSD	Remote Service Delivery
SRA	Shared Responsibility Agreement
TRIP	Tripartite Infrastructure Programme
TSRA	Torres Strait Regional Authority
WALS	Western Aboriginal Legal Service
WRC	ATSIC Wangkumara Regional Council

FOREWORD

Murdi Paaki Regional Assembly (MPRA) has taken this opportunity to collaborate with the National Indigenous Australians Agency (NIAA) to showcase MPRA's model for community-led governance. Our ambition is to inspire First Nations peoples within our boundary and peoples who have associations with MPRA communities, as well as other First Nations groups who have an interest in moving in the direction taken by Murdi Paaki communities or who may be in the early stages of planning governance structures and processes. We hope to do this by presenting insights into arrangements for representation and practices of governance that have worked well for us to date in our particular setting.

More than this, though, we hope that presentation of the lessons learned by MPRA will inform a learning process among our government, non government and private sector partners about the capacity and intellect which resides among our peoples, and in our communities, and the scope for agreements negotiated on the basis of equality to deliver positive change for our people.

The evolution of our model has allowed those who see opportunity in local and regional governance to build a platform to design and plan a better place-based arrangement for representative leadership. MPRA works through community, regional and state based leadership frameworks and is driven by community members who aspire to have access to relevant evidence for developing strategy, and to be directly involved in policy-making. In the past, we have had to operate within the constraints of foreign structures and colonialist expectations. We have reached a point in our affairs where it is time to move away from old unsuited models for engagement between First Nations people and governments or industry so we are always open to new arrangements to advance our model.

Our relationships must reinforce our role as active citizens. MPRA is providing a forum for leadership by, and responsibility to, our people; not a structure designed for passive consumers of services. There is no place for conventional service provider-consumer arrangements in our partnerships. We cannot forget that we are sovereign members of society – we are not aliens. The time has come to move beyond blanket application of policy made on the basis of stereotypes about Aboriginal people. Why would it then make sense to impose uniform policy arrangements? It is not reasonable to expect different groups of Aboriginal people to agree with each other. We're not a people, we are peoples. For this reason, arrangements for community-led governance and representation which arise from a genuine desire for people's rights at community level must respond to local circumstances and opportunities.

Current methods of leadership and governance worldwide are struggling. Conflict exists everywhere. Now is the time to look to ancient thinking and decision-making in the modern setting. We see it as vital that our governance embraces 'triple bottom line' thinking. Holistic policy development around environmental, economic and social factors drives progress. Without any of these factors, policy will continue to fail.

The Murdi Paaki Model is about empowerment, confidence and identity. Community-based leadership must inspire people. Collectively, our Community Working Parties and the Assembly are proud that our model is seen as an influence for positive change importantly amongst ourselves and those who continue to engage and invest in our Region.

Des Jones

Murdi Paaki Regional Assembly Independent Chair

September 2019

1. Introduction

The Murdi Paaki model: continuity and change

“Our affairs must be run from the grassroots up”

The Murdi Paaki model of community-led Aboriginal governance is unique as an example of continuous leadership, representation and decision-making which has stood the test of time. The Murdi Paaki Regional Assembly is heir to an enduring framework of community and regional governance and representation which has its foundation in 1990 with the establishment of the elected arm of the Aboriginal and Torres Strait Islander Commission (ATSIC). Over the ensuing period, first the ATSIC Regional Councils, then the Community Working Parties (CWPs), and more recently the Murdi Paaki Regional Assembly (MPRA) developed arrangements for governance, leadership, planning and advocacy which today stand as a beacon in the troubled field of Indigenous affairs administration in Australia. The qualities that define it have survived changes of Australian and NSW governments, the coming and going of successive Indigenous Affairs policies, programmes and services, and the handing down of leadership within the Murdi Paaki Region. However, the story of the Murdi Paaki Region begins well before this. Every day, Assembly delegates and CWP members build on the legacy of generations of Aboriginal leaders who have, through their use of strategy and rhetoric, worked tirelessly to make life better for their people. This history attempts to do justice to the memory of those who have sustained their people over many decades while demonstrating just how far the skills and capacity of the contemporary leadership have evolved.

Murdi Paaki Lessons Learned is a joint project of Murdi Paaki Regional Assembly and the National Indigenous Australians Agency (NIAA), funded by the Agency. The project grew from joint discussions about the proud history of the Assembly and its partnerships with Government. The purpose of the project, overall, is to document the history of the Assembly and the organisations which went before it and to draw out lessons which may be of use to other people interested in community-led governance who aspire to design and put in place their own robust, sustainable structures for representation and leadership. The project is in three parts. This volume has been prepared for the peoples of the Region, to recount the history and experiences of community-led governance. The second volume is a narration of lessons learned in implementing and sustaining community-led governance over time and is intended as a resource for general use. The third volume is a high level summary prepared for government. Research and writing for the project has been undertaken by Burns Aldis.

This history draws on a variety of published and unpublished sources to shed light on the period leading to the birth of ATSIC in 1990. The history of the ATSIC years draws on interviews with Regional Council chairpersons and members and former ATSIC Regional Managers, as well as the series of Regional Council Annual Reports and other documents. The account of the evolution and the contemporary practice and preoccupations of the Assembly has been prepared with extensive input from current Assembly delegates and CWP members. The Murdi Paaki Regional Assembly is grateful for the participation in this project not only of

Assembly delegates and Community Working Party members but also of those who have played a role in the development of the Murdi Paaki model for community led governance but are no longer directly involved.

Murdi Paaki Regional Assembly acknowledges with appreciation the interest of the NIAA in the Murdi Paaki model for community led governance and thanks the Agency for its willingness to fund this project.

For the Assembly, the Lessons Learned project is about documenting and showcasing the way that the Murdi Paaki model has evolved to give voice to Aboriginal people in the Murdi Paaki Region, and to allow those voices to be heard:

This is our story – that's the DNA of the Murdi Paaki mob. The original intent of the Assembly and governance out here is not about responding to government; it's about recognising our mob, the voice of our people. Everyone supports the concept of doing this sort of work so that we can highlight the leadership that has happened in the past – where this has come from – so when our young people are picking up in the future, like in 20 years time, they say: "Those fellows were trying to protect us. Trying to get our voice to government, and trying to do things for us". So we've got to leave something for our young people to inherit to read.

Des Jones, MPRA Independent Chair

2. The Region and its Peoples: Setting the Scene

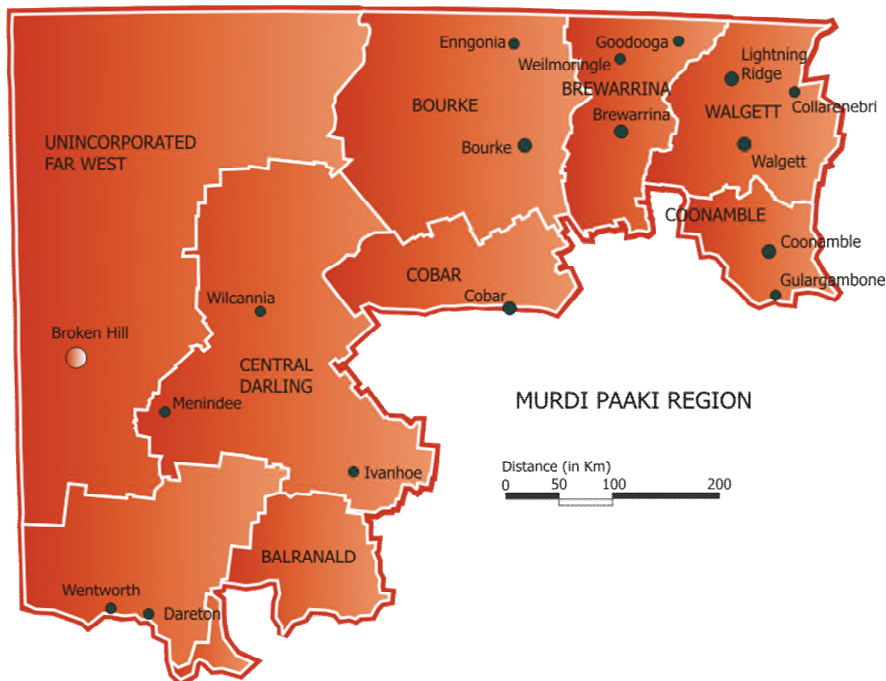
The Region

Imagine a small town in the Murdi Paaki Region, in far western NSW. On the left is a settlement which has about twenty ageing fibro houses, laid out in a grid. The houses have obviously seen better days; the roads are in poor condition and need work, and there are no trees – just worn and weedy grass. Closer to the road is a large shed where CDEP used to be based. There are no people to be seen, and the settlement is sweltering in the heat haze. A couple of kilometres further; a town. It looks sleepy; not a hive of activity, and certainly not prosperous. No doubt, someone in town will describe the settlement as an eyesore and should be bulldozed. Yet the people who actually live in the settlement, will talk of the freedom and the connectedness of life in this small community which used to be a reserve or a 'mission'. It may not be obvious but, even though there is a degree of dissatisfaction with some aspects of physical infrastructure, this little cluster of houses close to the river bank has a profoundly positive sense of place for those who live there.

This little town is not very different from communities across the Murdi Paaki Region. For the Aboriginal people who call it home, it not only provides a roof over their head, access to services, a place to send their children to school and, if fortunate enough, somewhere to earn a wage or run a business so that food can be put on the table. It is located on country which may have sustained their ancestors for millennia. Alternatively, it may be situated in a place to which they or their forebears were relocated by force during the coerced moves initiated by the Aborigines Protection Board in the 1930s. It may even be a place they have chosen to move to, to allow them to obtain better access to health services, housing or perhaps a secondary school education for their children. Regardless, this place is special not only because it is part of a storied landscape which has been fundamental to the identity of at least one Aboriginal language group for 60,000 years or more, but because it has unique arrangements for the Aboriginal people who live there to have a voice in the governance of their community and their Region.

The Murdi Paaki Region occupies the most remote, most arid 40% or so of the landmass of NSW. Geographically, the vast bulk of the Region is classified according to the Australian Statistical Geography Standard as Remote or Very Remote, with only small areas around Broken Hill and Dareton, close to Mildura, classified as Outer Regional. The entire Region is situated within the Murray-Darling Basin with the exception of the north-western corner, which is divided between the Lake Eyre and the Bulloo-Bancannia Basins. The Darling River and its tributaries are fundamental to the identity of Aboriginal people in the Region and the Murdi Paaki Assembly, itself, takes its name from Baaka, the Darling River.

The Region includes all of the local government areas of Coonamble, Walgett, Brewarrina, Bourke, Central Darling Broken Hill and Wentworth and the Unincorporated Far Western NSW and part of the Cobar and Balranald local government areas.



Perhaps even more importantly, it takes in Country belonging to many Aboriginal Nations, language groups and dialect groups: Gamilaroi/Gomeroi, Ngemba, Muruwari, Ularai/Yuwaalaraay, Weilwan, Baranbinja, Nawalgu, Gurnu, Paakantji/Barkandji, Ngiyampaa, Parundji, Garanggaba, Wanywalgu, Wangkumara, Wadigali, Wiljakali, Danggali, Kureinji, Malyangapa, Bandjigali, Barindji, Muti Muti and other

smaller land-owning groups. Historical circumstances have led to a variety of other language groups, including Kooma, Budjari, Kullilla and Kunja people from south-western Queensland and Dieri people from South Australia, making their homes in the Region over the period since European colonisation.

The Aboriginal population of the Region, at the time of the 2016 ABS Census, was over 10,600 and increasing while the non-Indigenous population was 36,500 and falling. In some communities, Aboriginal people form the largest proportion of the population.

The peoples of the Region: land owners since time immemorial

The long-term presence of Aboriginal people in the Region is well known, on the basis of archaeological evidence such as the Lake Mungo burials, the oldest of which is associated with cultural features with radiocarbon dates between 40,000 and 60,000 years ago, and the fisheries traditionally belonging to the Ngemba people at Brewarrina. Apart from this material evidence, though, there is not much documentary evidence for the way Aboriginal people lived on Country prior to European invasion. While material is available in the form of written accounts by the earliest European colonists, it is likely that the observations and recording were of a changed Aboriginal society. Indeed, the near-certainty that communicable diseases brought to Australia by the colonists had passed through the Region well before the colonists themselves actually arrived means that the new arrivals were observing peoples

whose numbers had declined, and whose economy had already been impacted by the population impact of disease ¹.

There are various views about the pre-colonisation economy but the consensus generally is that Aboriginal people lived in large groups along the river system during the summer, harvesting and processing cereals such as millet and using specialised technology to trap fish, ducks and other protein sources, when evaporation rates across the plains were too high to sustain standing water. In winter, smaller groups ranged across the drier country, where rainfall could be depended on to provide water, and foraged for seeds of acacia, saltbush, flax and animals such as wallabies, kangaroos and emus. In drought seasons, people would remain around permanent water sources. Population density was regulated to ensure that the population could be supported during poor seasons. The archaeological evidence demonstrates that the drying about 15,000 BC (end of the Pleistocene) caused productivity decline in the Darling basin and led to dependence on cereals. Sites such as Lake Mungo ceased to be useful as summer camp sites. From time to time, large groups assembled for specific purposes including food gathering, ceremonies and dispute resolution. Marriage tended to take place along the river corridor. Communities along the river system tended to maintain exclusive group ownership of territory in a resource-rich area, and live relatively localised lives until the impact of communicable diseases introduced by Europeans was felt. This tenure system was based on laws and customs and had clear arrangements for inheritance. ²

There is little direct evidence for governance and leadership arrangements prior to contact with Europeans, and it is clear that those European writers who documented their observations, and their fellow-colonists, were bringing about change to these traditional structures and processes even as they were describing them.

In addition to dreaming stories and archaeological evidence, the journals and published accounts of the earliest Europeans to visit or colonise the Region describe a relationship between people and country which must surely be at least as reflective of traditional practices as it is of practices imposed by the restrictive influences of the pastoralists and, later, the protection authorities. The early observations of explorers such as Mitchell, Sturt and Eyre are characterised by descriptions of permanent villages, interspersed with accounts of groups of Aboriginal people met once, then met again long distances from the site of the first encounter. These accounts suggest that extended families and larger groups did occupy semi-permanent habitations, but left these from time to time and travelled across their country to attend gatherings and for other purposes. Captain Charles Sturt, for example, whose expedition of 1828-1829 took him to the present day locations of Brewarrina and Bourke, recounted his observation, some distance downstream of the confluence of the Darling and Bogan Rivers, of an apparently permanent village of seventy huts, each of which he estimated would accommodate twelve to fifteen people.

Major Thomas Mitchell's Darling River expeditions of 1835 and 1836 took his party along the length of the Darling River, with the exception of the section between Menindee and a point

about 50 km upstream of the confluence with the Murray River. Mitchell's party would have encountered Barkandji people over almost the whole of the linear extent of country. He noted, for example, during the course of his 1835 journey, permanent dwellings on the banks of the Darling River some distance upstream of Wilcannia, as well as another permanent but uninhabited village further downstream, at a location not far from Menindee. He surmised that the Darling River people were quite sedentary and remained at a particular location along the river where they were accustomed to fish, and noted the contrast between these people and those of the higher country who were dependent upon hunting marsupials, and were more mobile.

On his 1836 journey, however, he encountered people he had previously met near present day Menindee at Lake Benanee, on the Murray River close to Euston. The Barkandji's experience of encountering Mitchell and his party was hardly propitious, and it is hardly surprising that Barkandji people were hostile towards Mitchell and his men. Initially, he caused great offence by using resources and territory belonging exclusively to Barkandji groups without negotiating permission, and without offering recompense. In addition, Mitchell had no notion of the depravity practised by his men when his back was turned. Members of Mitchell's party were responsible for the first murders of Aboriginal people known to have been carried out by Europeans along the Darling River – in 1835, of a mother and baby close to Menindee following a rape committed by one of his convicts. Then, in 1836, at Lake Benanee, when his party chanced upon Barkandji people who had been witnesses to the Menindee outrage, seven men were shot by Mitchell's party while swimming the Murray River.

Edward John Eyre was very much concerned with population estimates. One of his reports to the Colonial Secretary of South Australia described a large gathering of Aboriginal people at Lake Victoria, in 1842. Lake Victoria is at the downstream extremity of Barkandji country, and its traditional owners spoke the Maraura dialect. Eyre estimated that there were about 600 people in this group, taking advantage of the abundance of fish in the lake. Eyre's interest in population numbers was influenced by his desire to establish a Government station at Rufus River near Lake Victoria in far south-western NSW. He was an early advocate of what later became the protection policy. In 1844, he described a journey along the Darling River to the vicinity of present day Menindee, and recounted meetings with Aboriginal people along the river who had previously journeyed to Moorunde, near the present location of Blanchetown in South Australia where he was Resident Magistrate, to receive rations and blankets.

Captain Sturt's account of his second journey to far western NSW, in 1844 and 1845, contains many descriptions of the groups of Aboriginal people he encountered. His route took his party from Adelaide along the Murray to its confluence with the Darling, then north to Menindee, where he left the river and struck out north to what is now Cameron Corner, then north-westwards into far western Queensland. Sturt encountered Barkandji people from Menindee at Rufus River and one, Toonda, joined Sturt's party to return to Menindee. North of Menindee, the groups Sturt met generally numbered fewer than ten people; the population density was low compared to that along the Darling River, although members of his party did come upon a larger group quite close to what is now Milparinka. The size of the

groups appeared to be controlled by the amount of water available at the different waterholes. In the same area, the party also found a village of seven or eight solid huts, built from boughs coated with leaves, grass and then clay and arranged in rows, which appeared to be winter quarters.³

Sturt had a much clearer and less judgmental appreciation than Mitchell of the importance of Country: he realised the importance of seeking permission to pass through territory, and understood the attitudes of the Aboriginal people he encountered to ownership of resources. Notwithstanding this, he was a man of his time. A principal objective of government at the time of Sturt's later expedition had been to open up a safe route for cattle to be brought from western NSW to Adelaide, to enable the expansion of pastoral industry into western NSW. This expansion would spell the beginning of the end of the Aboriginal system of land tenure which had existed from time immemorial.

Resistance and retaliation: the pastoral period

Accounts of encounters between Aboriginal people and overlanders and early pastoralists make it clear that the traditional owners put up stiff resistance to having their lands alienated for grazing and their resources used by colonialists without permission. Relationships between Barkandji/Paakantji and the early overlanders, for example, were characterised by mutual aggression which constituted an ongoing frontier war from 1839 onwards. This war climaxed in the Rufus River massacre in 1841. The conflict continued for some time as squatters moved into the Region; the traditional Barkandji/Paakantji owners were successful in routing European colonists in the area north of Polia Station (just north-west of Pooncarie) for a time during the 1850s, although further south Aboriginal people had been employed in an established pastoral industry through the 1840s. It was not until about 1860 that armed hostilities abated in the area of the Darling River around Wilcannia, and 1870 in the corner country around Tibooburra and Wanaaring³. As the Aboriginal Elders of the Region point out, these events occurred only three or four generations ago and very much remain in the collective consciousness.

As the pastoral industry expanded through the west of the colony of New South Wales, the Aboriginal economy changed as a result of increasing difficulty in maintaining traditional practices. A transition had occurred in Aboriginal interaction with country, and ongoing pastoral expansion, the establishment of towns and, most significantly, the introduction of protection policy, would continue to alter the way Aboriginal people lived in and moved across their land. By the time of the Burke and Wills expedition in 1860, Europeans had colonised much of the country where Sturt and Mitchell had encountered groups of the Barkandji/Paakantji, Ngemba and other language groups. The introduction of sheep and cattle and the consequent abandonment of Aboriginal land management activity such as firing grasslands resulted in the disappearance of a range of traditional foods and this, in turn, disrupted Aboriginal social structures.

The effects of alienation from country caused some policy concern within the colonial power. The Brewarrina fishery, for example, was placed off limits to colonists in 1842, and police were still preventing non-Aboriginal people from taking fish as late as 1906. The existence of property rights of Aboriginal people was recognised in the 1840s (more than 150 years before the Mabo judgment overturned the doctrine of *Terra Nullius*) and Earl Grey, the British Secretary of State for Colonies, was sufficiently concerned about the alienation of Aboriginal land to urge action on the part of Governor Fitzroy to constrain the rights on pastoral leases and to set aside reserves for use by Aboriginal people, not for hunting or maintenance of other traditional cultural practices but to learn 'industry'.

In 1850, thirty-five reserves were authorised. No surveys of these reserves survive but seven or so appear to be in the Murdi Paaki Region, at Brewarrina (including the fisheries and what is now Barwon 4), Wentworth, Euston, and at locations near Cowga (south of Gongolgon), between Weilmoringle and Goodooga, north of Carinda, and near Coonamble.

The gold rushes from 1851 onwards created opportunities for pastoral employment for Aboriginal people, and shifted the balance in the more remote Darling River country such that the traditional owners were able to regain access to their land for a time. Ultimately, though, European control was restored and during the phase which followed, many Aboriginal family groups were living in camps on sheep properties where people were employed in pastoral (if male) or domestic (if female) servitude. Aboriginal labour was essential to the interests of the pastoralists but, at the same time, Aboriginal people were able to continue to move over their country and to fulfil cultural obligations, options which had been cut off during the period of armed hostilities. For as long as properties were large enough, and prosperous enough, to support the Aboriginal workforce, station camps remained in place; some into the twentieth century.

As more non-Aboriginal labour became available, though, relations between pastoralists and the Aboriginal workforce generally became more exploitive until, at the end of the nineteenth century, Aboriginal workers were increasingly employed on casual or seasonal work. Eventually, with the 1890s depression, closer settlement policy and increasingly intense land use, opportunities available to Aboriginal people to maintain links with country declined. At the same time, pressure on the NSW Government from a variety of sources resulted in the development of increasingly intrusive and restrictive Aboriginal affairs policy in NSW.⁵

Protection and care?

The initial step in the control process was the appointment of a Protector of Aborigines in 1882 and, in 1883, a Board for the Protection of Aborigines (APB) was established. The Board sought but did not immediately obtain interventionist legislation allowing it control over all Aboriginal children and over the 'movement and residence of adults'. But the Board was successful in establishing a system of reserves to serve to segregate Aboriginal people from Europeans. The third was the reserve which later became known as the Brewarrina Mission, notified in 1885 and managed from 1886 by the Aborigines Protection Association, until taken

over by the APB the following year. The original Brewarrina Fisheries reserve was reduced in size when the Brewarrina Mission site was gazetted. In 1909, the demand for legislation finally resulted in the *Aborigines Protection Act*, which began to be enforced in 1910. This legislation gave the APB powers over the movement of Aboriginal people and, in consequence, over organisation of Aboriginal society and observance of cultural practices.⁶

By 1913, reserves had been gazetted within the Region at Brewarrina (the Brewarrina Aboriginal Station and the original Fisheries/Barwon 4 reserve), Walgett (Namoi Bend, Gingie and a third in an unknown location), Goodooga, Gulargambone (two), The Mole (west of Quambone), Collarenebri, Coonamble (Wingadee and a second at the intersection of Mowlma Creek and Castlereagh River), Angledool, Carowra Tank, Pooncarie, Tibooburra, Gongolgon, and Dennawan (north of Weilmoringle). There was a total of eighteen managed stations in NSW at the time; two of these, Angledool and Brewarrina, were located in the Region⁷. Some of these reserves, such as The Mole and Wingadee, formalised existing bush camps; others were created at the behest of white complainants protesting the presence of Aboriginal people in and around towns.

In 1912, wholesale removal of children began and continued for decades. Many children were removed from their families at Menindee and sent to Cootamundra Girls' Home and Kinchela Boys' Home. As well as the children, young adults were forced to move from their homes, country and family under the 'apprenticeship' scheme, which was effectively a form of slavery. Jimmie Barker recounted his experiences when, as a boy of thirteen, he was forced to undertake a thirty-eight hour train journey to a property near Tullamore where, like so many other young Aboriginal people, he was put to work under circumstances characterised by abuse and exploitation.⁸

Through the 1910s and 1920s, Aboriginal people continued to live in camps, some of which were gazetted as reserves, on rural properties maintaining a tenuous link with Country which had been their home for millennia. Others relocated to government stations as a result of displacement due to infrastructure development or exclusion from pastoral stations. Ngiyampaa people from the area between Ivanhoe and Cobar, for example, lived on a number of properties in the area, including Keewong, Marfield and Trida. In the early years of the twentieth century, as camping on the pastoral properties became less sustainable, people began to gather at Carowra Tank, about 80 km north-east of Ivanhoe, which was located at the centre of the Ngiyampaa people's Country. When the Condobolin - Menindee Railway was built in 1919, closer settlement ensued and the groups known as the Keewong and Trida mobs moved into Carowra Tank. This was in a time of drought and the reservoir provided some security of water supply.

In 1923, about 170 people from Trida went to live at Carowra. The reserve became an APB ration station in 1925, with a resident white manager. Two room corrugated iron huts and a school were provided. People continued to relocate from surrounding stations to Carowra Tank, with a large influx of people from Marfield, the Nilyah Tree mob, who spoke both Ngiyampaa and Barkandji, arriving in 1927. During the early 1930s, as a result of

unemployment, further, formerly independent families from Hillston, the Darling River and other localities settled at Carowra. Through this period, techniques of control and oppression on reserves became entrenched.⁹

From the early 1930s, at the height of the Great Depression, the next terrible wave of dispossession ensued. The Aborigines Protection Board was, by this time, being blamed for allowing Aboriginal people to be visible in and around the boundaries of towns, living in camps on the outskirts of towns, and failing to conform to white expectations. At the same time, discrimination against Aboriginal people in employment, coupled with the exclusion of Aboriginal people from eligibility to claim unemployment benefits, resulted in managed stations becoming crowded and experiencing housing crises.

A further consequence of the Depression was increasing demand for closer settlement and increases in the size of pastoral properties in the Western Division. The APB's response was to implement a policy of 'concentration' of Aboriginal populations from smaller reserves and stations onto a reduced number of larger reserves. In the Murdi Paaki Region, a new managed station was established at Menindee.¹⁰

In 1933, failure of the water supply at Carowra Tank was used by the APB as a pretext for removal of the residents to Menindee. On 29th September 1933, the 270 or so mostly Ngiyampaa residents were loaded onto cattle trucks, their houses and shelters set alight, and the whole population transported to the railway platform at Conoble, where they were put onto the train to make the journey to Menindee. At the same time, the APB removed the Barkandji people living along the Darling River between Wilcannia and Pooncarie to Menindee. Barkandji people had been living at that time at the Pooncarie Reserve, at Wilcannia, at a camp about two kilometres from Menindee, and at various station camps.¹¹

Changes to the Aborigines Protection Act, legislated in 1936, made it possible for the APB to control the movements of Aboriginal adults and, in particular, to confine them on Aboriginal stations. These changes also extended the coercive powers of the APB to anybody 'deemed to have Aboriginal blood'; a change from the pre-existing limitation which constrained APB control to those who were 'predominantly of Aboriginal blood'. However, initiatives under the concentration policy had already intensified, with Aboriginal adults made subject to coercion prior to legislative change. Intimidation could not guarantee compliance. The APB had previously, in 1923, attempted to move Aboriginal people from Walgett to the Angledool Aboriginal Station, but found it was unable to prevent them all walking back over the course of the following year.

The first victims of the newly coercive policy in the northern part of the Region were a community of 20 or so Wayilwan people from Quambone, who were forcibly moved to the Brewarrina Aboriginal Station in the first half of 1935 followed a year later by forcible relocation of a whole community residing at Angledool Aboriginal Station. Residents of Angledool were mainly Yuwalaraay people living on their own country, but there appear also to have been Murrawari people previously moved there from their own country to the west:

Essie Coffey recalled that her family had been removed by truck to Angledool from Dennewan. Angledool was a managed station, the closure of which would, in the eyes of the APB, be a cost-effective measure. In 1936, with the demand for pastoral labour in the area reduced by closer settlement, the APB moved the residents. A number of meetings had been held between Angledool station residents, the Angledool manager and the APB inspector to try to persuade the residents to move to Brewarrina voluntarily. The move was promoted on the basis that the Angledool people would be better housed at Brewarrina. The Angledool residents, though, preferred to be provided with improved housing at Angledool. Ultimately, 110 of the Angledool people were loaded onto two semi-trailers and a truck, and their huts destroyed to prevent their returning home. As recently as 2005, one resident of Brewarrina recalled with bitter resentment having been forced at gunpoint to leave his home at Angledool to be relocated to Brewarrina Mission.¹²

The APB mounted a propaganda campaign to support its agitation for amendments to the Act, in the form of fomenting alarm in the white population about a high incidence of supposedly sexually transmitted eye disease in the Aboriginal population. It appears likely that, where infection existed, it was actually trachoma, and that non-Aboriginal people were equally affected. In several communities, disputes arising from attempts to exclude Aboriginal children from schools, often on the pretext of incidence of so-called gonococcal ophthalmia, were the catalyst for the next round of enforced relocations. In 1938, a school dispute formed the catalyst for the removal of the Wangkumara and Malyangapa people of Tibooburra. The APB's original intention was to move the Tibooburra people, who were in the main independent workers, to Menindee, but the white population of Menindee protested to the Board. In April 1938, the 130 residents of Tibooburra were forcibly removed to Brewarrina by truck with only a few hours' notice. The journey took two days and the conditions they met with at Brewarrina were oppressive. The Tibooburra people were unused to living under management, or to a dependent lifestyle, and had nothing in common culturally with the other residents of the station. After over two years of enduring these conditions, and the deaths of many of their relatives, about eighty of the Wangkumara mob resolved to walk the 350 km back to Tibooburra. When they reached the western bank of the Paroo River at Wanaaring, many obtained employment on pastoral properties. Although this was Parundji country, Wangkumara people were, by traditional protocol, able to move through it without permission. Other Wangkumara people, not finding work and prevented by flooding from crossing the Paroo, returned to Bourke where they established independent camps.¹³

Organised resistance

As with any people subject to the despotism of an oppressive regime, many Aboriginal people aspired to be part of an organised resistance movement to combat the power of the APB. Activists with links to communities in what is now the Murdi Paaki Region were at the vanguard of the public campaign for human rights, and it is these leaders who formed the historical 'first wave' in the fight for Aboriginal rights in the Region. Their campaign was not solely about freedom from the tyranny of the APB; like succeeding generations of Aboriginal

leaders in the Region, they sought openings for the exercise of active, competent and autonomous citizenship.

3. On the Shoulders of Giants

Honouring those that have gone before

Delegates to the Murdi Paaki Regional Assembly, individually and collectively, recognise the debt owed to those that have gone before. There is a strong sense of continuity which links past generations of activists from the early 1900s through the years of the Australian Aborigines' League and the Aborigines' Progressive Association, to those who fought through the 1960s for citizenship rights, through the 70s and 80s for Aboriginal people's access to basic mainstream services such as school education and to culturally safe, community controlled health, housing, legal and economic service, to ATSIC and onto the present day. The Assembly seeks to honour those generations of leaders who have, through their own self-sacrifice, vision, political acumen and sheer hard work, created the conditions which make it possible for the Murdi Paaki model of community-led governance to flourish. By doing so, the Assembly seeks to provide future generations of leaders with an appreciation of the legacy they inherit.

The Aborigines Progressive Association

William Ferguson (1882-1950) and his younger brother, Duncan, were Wiradjuri men originally from Darlington Point. Bill, as the older brother was known, was employed from the age of 14 in shearing sheds; first, as a piece picker and then as a shearer. His political consciousness was raised early on; he was a staunch member of the Australian Workers' Union and, through his contact with the Labor member for Murrumbidgee in the early 1900s, formed a view that the Australian Labor Party (ALP) might be able to do something positive about the deteriorating position of Aboriginal people in NSW. He married in 1911 and, in 1915, moved with his wife Margaret to Gular. There, he joined the ALP and was instrumental in re-establishing the local branch. The next period of his life involved frequent moves for rural work and, from 1920 to 1924, a period driving the mail from Quambone to the Gular railway siding, while his older children attended school at Coonamble. During this time, too, he was developing an activist profile in support of workers' rights and civil rights for Aboriginal people through his union connections. Bill Ferguson had been publicly airing the prospect of forming an organisation of Aboriginal people to counter the oppression exerted by the APB as early as 1923. By 1932, he was in Sydney undertaking relief work with unemployed workers, while his lay preacher brother Duncan was supporting communities at reserves along the Darling River. The following year, he and his family, now including twelve children, settled in Dubbo.¹⁴

The Australian Aborigines' League (AAL) was formed in 1934 in Melbourne by prominent Yorta Yorta activist William Cooper, whose activist career had commenced in 1887, together with others including Margaret Tucker, Douglas Nicholls, Eric Onus, Anna and Caleb Morgan, and Shadrach James. The AAL was based in Melbourne and had a strong geographical focus from Cummeragunja, on the Murray River, southwards; its geographical base within NSW was largely limited to the south-west of the state. However, its agenda had a universal emphasis on civil rights, including parliamentary representation, citizenship and land rights, for all

Aboriginal people. By 1934, Bill Ferguson had begun working with the AAL, initially obtaining signatures to a petition to King George V in communities in NSW and, by the following year, he had been prohibited by the APB from entering any government station across NSW without the permission of the APB's Chairman. By 1936, Duncan Ferguson, too, had come to the attention of the authorities, and was under police surveillance because of his activism at Menindee Aboriginal Station.¹⁵

In 1937, Bill Ferguson, together with Jack Patten, originally from Cummeragunja but living in Sydney in the 1930s, founded the Aborigines Progressive Association (APA). The policy platform of the APA included the abolition of the APB, full citizen rights for all Aboriginal people, and an end to discrimination under the law against Aboriginal people. A critical focus from the beginning was to bring public attention to the plight of Aboriginal people living on Government stations and, in particular, the living conditions they endured, and the intolerable interference in their lives by the APB. APA activists mobilised: Aboriginal people from Brewarrina – the town and the Government station – met with Bill Ferguson outside the station boundaries to talk about their situation. Later, he travelled with Jack Kinchela and Fred Johnson, a Wangkumara man, to Goodooga, Weilmoringle, Collarenebri and Walgett to hear about the suffering of people in each of these localities. The significance of the APA was that it involved the forging of the first formal links between communities to agitate for change. By the end of 1937, the APA had branches at Gulargambone, Menindee, Coonabarabran and Wellington.¹⁶

Pearl Gibbs was born at La Perouse in 1901, but was of Ngemba descent, and lived at Brewarrina and Bourke during her youth. By the time of the great depression, Pearl Gibbs was picking peas with her family on the NSW south coast, near Wallaga Lake, and had begun to work with both pickers and the Wallaga Lake community to agitate for better conditions. In 1937, she moved to Sydney and began work with Bill Ferguson and Jack Patten, becoming the APA Secretary. Pearl was instrumental in collecting information about the APB's activities at Brewarrina Aboriginal Station, and communicating with the town's residents about the APA's campaign for reform by circulating articles from Sydney newspapers.¹⁷

Bill Ferguson's long-term association with the AAL formed the basis for development of the APA's first policy statement; calling for full citizen rights, the abolition of the APB, and representation for Aboriginal people in the federal parliament. Unlike the AAL's policy position, the APA's statement did not extend to land rights; this was most likely a reflection of the AAL's historical links with Cummeragunja, where access to land for independent farming was a long-standing issue. The key emphasis during the APA's early days was on the tyranny of the APB, and living conditions on reserves and stations.¹⁸

By October 1937, considerable media attention was being generated by the APA's campaigning as an organisation of Aboriginal people 'fighting for economic survival'. Wide coverage in the Sydney press arose from elevation of the APA's profile through meetings organised by trade unions and the Communist Party of Australia, followed by an address Bill Ferguson gave to the NSW Labour Council. The main preoccupation of the media, though

was with the brutalities inflicted by the APB rather than structural inequality. A Parliamentary Select Committee was appointed on 9 November 1937 to inquire into the administration of the Aborigines Protection Board. Bill Ferguson gave evidence as representative of the APA, providing information gathered by Pearl Gibbs and Jimmie Barker at Brewarrina, and this fuelled further media coverage.¹⁹

While activity proceeded around maintaining attention on the behaviour of the APB, the APA was also responding to the upcoming sesquicentenary of British colonisation by organising the Day of Mourning commemoration. Together, Bill Ferguson and Jack Patten wrote the APA's famous manifesto, *Aborigines Claim Citizen Rights*. This document was widely distributed; not intended to be a statement of long-term policy, it delivered a major attack on APB policy but also took to task all others complicit in the subjugation of Aboriginal people. The Day of Mourning events, with a focus on protest and participation limited to Aboriginal people but involving the broad cross-section of Aboriginal civil rights activists, was held at the Australian Hall in Elizabeth Street, Sydney, on 26th January 1938. At the same time a group of Aboriginal people from Menindee were play-acting the Cadigal clan of the Eora Nation retreating from the landing of Arthur Philip's First Fleet in Port Jackson. They had been forced from their home, 1,000km away, by the APB for this very purpose, on penalty of having their families' rations cut off.²⁰

A joint policy statement agreed on by the APA and the AAL was taken to the Day of Mourning event and emerged from the discussions unchanged. The key points of the policy were: abolition of all state protection boards; rescission of all legislation which discriminated against Aboriginal people; development of a national policy under the jurisdiction of the Australian Government; citizenship status for all adult Aboriginal people; and land rights which recognised Aboriginal sovereignty over land but favoured a system similar to Soldier Settlement. Urgent calls were made for meetings with the Australian and NSW Governments, and the joint policy was presented to Prime Minister J.A. Lyons on 31st January, and the NSW Minister without Portfolio G.C. Gollan on 1st February 1938. The Prime Minister's advice was that the policy position of the APA and AAL would require constitutional reform and that the government was not prepared to hold a referendum. The NSW Minister made no commitment other than to pass the concerns of the APA on to the Premier. However, a state election was looming for the Stevens government, and a policy to move to reconstitute the APB was more or less forced upon the NSW government by the actions of the APA.²¹

On its re-election, the new NSW Government turned to 'experts in the APB and to anthropologists who were allied with the APB for advice in relation to revising the arrangements for Aboriginal affairs administration in NSW. There was no move to include the APA in planning for the new Board, or to include Aboriginal people as delegates to the Board. Anthropologists were viewed as essential as mediators because Aboriginal people were not seen as capable of administering themselves; they were, rather, viewed as 'confused people who had not yet "adapted" to European conditions and who required an appropriate "education" before they could do so'.²²

In April 1938, the APA split into two separate organisations, both still using the original name. The coastal APA was led by Jack Patten; the western APA continued to be led by Bill Ferguson. The *Abo Call*, Jack Patten's newspaper, continued to publish monthly until September 1938, and during that month, highlighted representations on behalf of the Collarenebri Aboriginal population who were facing forced relocation. Bill Ferguson, as Western APA President, continued to work in collaboration with non-Aboriginal activists; however, their involvement was a frustration because a preoccupation with the plight of Northern Territory Aboriginal people drew the focus away from western NSW for a time. By the end of 1938, Bill Ferguson and Pearl Gibbs, as western APA Secretary, were working together to unite western NSW communities and generate support for political change. By 1939, it was clear that there was no appetite in government for abolition of the protection structure, and the APA had been forced to retreat from the position of demanding the abolition of the APB to urging for Aboriginal representation on the new Board, yet to be established. Meanwhile, the AAL had narrowed its sights to advocacy for the needs of the Cummergunja community, still suffering daily injustices under APB control, and these activities culminated in a walk-off from the Government Station in 1939, in which Jack Patten was influential.²³

The NSW Government announced a restructure of Aboriginal protection arrangements in October 1938, but the newly constituted Aborigines Welfare Board (AWB) did not commence until 1940. The secret Public Service Board enquiry which followed from the 1937 Parliamentary Select Committee recommended that there be no Aboriginal representation on the new Board, disregarding the argument of the AAL and the western APA for equal representation. Although the stated aim of the new Board was 'assimilation', all draconian 1936 amendments to the Aborigines Protection Act were incorporated in the new legislation, and pressure for forced relocations of Aboriginal people – for efficiency reasons – intensified. Thus it was that, in 1949, the AWB closed Menindee Mission without warning and, citing concerns about the security of water supply at Menindee, moved the residents over 450 km to Murrin Bridge near Lake Cargelligo. Murrin Bridge is in neither Ngiyampaa nor Barkandji country, but is in traditional Wiradjuri lands, so there was no place affiliation. Most of the Carowra Tank people made the move from Menindee to Murrin Bridge; many of the Barkandji chose to move to Menindee town or Wilcannia or, eventually, to other locations along the Darling River.²⁴

Ultimately, in 1943, a further amendment to the Aborigines Protection Act designated two positions on the AWB for Aboriginal people: one for a so-called 'full blood' person and one for 'either a full-blooded aborigine or a person apparently having an admixture of aboriginal blood nominated for appointment, in accordance with the regulations, by aborigines or persons apparently having an admixture of aboriginal blood possessing the prescribed qualifications' [sic.]. Bill Ferguson was elected to the AWB in 1943, served from 1944 to 1949, died while in office and was succeeded by Herbert Groves, a fellow APA member originally from Walhallow. Pearl Gibbs was elected in 1954 and served until 1957, whereupon Herbert Groves returned for a short time. In practice, for most of the 27 year life of the AWB, there was only one Aboriginal representative, since the Board had difficulty filling the vacancy for a

'full-blood' person. Nevertheless, the 1943 amendments to the Aborigines Protection Act represented the first occasion when Aboriginal people in NSW were able to stand for election to any public office which had even the slightest potential to influence the way in which Aboriginal people were able to live their lives. The same legislative amendments, however, also brought into existence the hated 'dog licence' provisions – an arrangement whereby an Aboriginal individual could apply for and be granted an exemption from the Act such that he or she would be deemed not to be Aboriginal.²⁵

The Aborigines Protection Act was amended again in 1963, to repeal the provisions which allowed a magistrate to force 'mixed blood' Aboriginal people to a place controlled by the Board; and those which made it an offence to take an adult Aboriginal person away from NSW or for non-Aboriginal and Aboriginal people to live together. The draconian provisions enacted in 1936 which made it possible for the APB to control the movements of Aboriginal adults were finally at an end, 27 years later. By 1965, managed stations accommodated fewer than 2,500 people, approximately half of the total reserve population in 1939. By this time, the emphasis of the AWB had shifted from control to welfare, and management of reserves was gradually withdrawn. In 1969, following the 1967 referendum, the Aborigines Welfare Board was disbanded, and replaced by the Directorate of Aboriginal Welfare.

Four years after the Freedom Rides which drew public attention to racism in NSW country towns (including Walgett and Gulargambone) and two years after the referendum which finally extended citizenship to Aboriginal people, the Aborigines Protection Act was repealed entirely. The Aboriginal Advisory Committee was established to advise the Directorate on land issues and this was reconstituted in 1972 as the Aboriginal Lands Trust (ALT), which took control of the remaining reserves. The larger reserves such as the Brewarrina and Menindee stations had long since been sold or leased; however, it was the town reserves such as West Brewarrina and Barwon 4 in Brewarrina, the Warrali Estate ('The Mission') and The Mallee in Wilcannia and Namatjira Avenue in Dareton which passed to the ALT. Menindee Mission, too, was returned to the ALT. Ultimately, these properties passed into the hands of the Local Aboriginal Land Councils (LALCs) with the introduction of the NSW Aboriginal Land Rights Act in 1983.²⁶

4. The Early Days of Representative Governance

The 1970s: Federal recognition – up to a point

Following from the election of the Whitlam Labor government in 1972, elections for the first national representative body for Aboriginal people, the National Aboriginal Consultative Committee (NACC) were announced in September 1973. The role of the NACC was envisaged by Government as being purely advisory. Following declaration of the poll in December 1973, 41 Aboriginal elected representatives took their place in Canberra. The area of the current-day Murdi Paaki Region fell into two NACC electorates, the elected representatives being Ray Nagas, a Torres Strait Islander carpenter from Broken Hill, and Harry Hall, from Walgett, who had been active in the Foundation for Aboriginal Affairs and the APA. The Prime Minister, at a ceremony following the declaration of the poll, indicated the Government's intention to 'restore to Aboriginals the power to make their own decisions about their way of life', and communicated his aspiration that the NACC would be a 'forum for the expression of Aboriginal opinion', allowing 'a healthy two-way communication between Aboriginals and the national Government'. The Aboriginal Affairs Minister, Senator Jim Cavanaugh, made it clear to the NACC that its role was as 'a consultative body for the purpose of advising'; however, many of the delegates had greater ambitions.²⁷

The NACC was short-lived. The ambitions of the NACC for changes in its constitution, for funding for a secretariat, and for infrastructure for community engagement brought the institution into conflict with the Minister and the Head of the Department of Aboriginal Affairs. Its potential was not only compromised by internal tension arising from differences in aspirations between urban and regional representatives but also by aspirations for greater autonomy, and a greater voice in parliamentary decision-making. Following a review of the NACC initiated by Aboriginal Affairs Minister Ian Viner in 1976, it was abolished by the Fraser Coalition Government in 1977.²⁸

The NACC was replaced in 1977 by the National Aboriginal Conference. Elections were held in November for 35 full-time members. The current Murdi Paaki Region was contained within the boundaries of three NAC electorates, the representatives elected being Val Mackay from Narrandera, whose electorate extended across the Riverina to encompass the Far West; Edward 'Teddy Guy' Simpson from Brewarrina in the north of the Region, and Allan Hall, whose electorate incorporated Gulargambone and Coonamble. Ted Simpson was born in 1944 and, like the previous generation of leaders, had honed his political skills in the shearing sheds. He remained a member of the NAC throughout its lifetime, and was the NAC NSW President. Later, in 2004, he became the first Aboriginal person to be elected to the role of Mayor in a NSW local government council.²⁹

The NAC was, again, a consultative body. It had state and territory branches and a national executive of 10 members elected by the branches. The Chairperson, Lois (later Lowitja) O'Donoghue, was appointed by the Government. Like the NACC, it had no real autonomy or guaranteed ministerial access. Structural weaknesses were introduced as the Government

sought to limit the influence of urban representatives, and the tensions between the elected body and the bureaucracy carried through from the NACC period.

Following the election of the Hawke Labor Government in 1983, two enquiries were commissioned: the first, chaired by Lois O'Donoghue and the second, in 1985, by H.C. Coombs. The O'Donoghue enquiry recommended that the NAC be replaced by a body with a regional representative structure; Coombs echoed this recommendation but added a proposal that a new body have significant control over Indigenous expenditure. The NAC was summarily abolished in 1985, and its demise was followed by a five year period with no formal national structure for Aboriginal representation.³⁰

From national to regional representation, and the beginnings of community-led action

The lack of a formal structure for representation did nothing to suppress the momentum for Aboriginal rights in what is now the Murdi Paaki Region. There was a pressing need for Aboriginal community controlled organisations to provide culturally relevant services in response both to lack of availability of existing services and to discrimination in the treatment of Aboriginal people. Throughout the lives of the NACC and the NAC, community activists were finding ways to meet local needs. One of the most pressing issues for Aboriginal people in western NSW, as elsewhere, was a brutally discriminatory approach to policing and justice. The Aboriginal Legal Service was formed in Redfern in 1970 and, in 1973, had established an office in Brewarrina, with a resident solicitor, Peter Tobin. In 1977, with some communities in western NSW becoming concerned about centralisation of authority in Sydney, the Western Aboriginal Legal Service became an independent entity headquartered in Dubbo, with offices in towns from Brewarrina westwards.

In parallel with the focus on providing essential services to communities, this period was characterised by an intense emphasis on land rights. The NSW Aboriginal Land Rights Act (ALRA) became law in 1983 but, prior to this, the impetus was building within the Region for Aboriginal ownership of and access to country. Angledool, in the country of the Yuwaalaraay people, was the site of a seminal bush camp meeting held in 1982, attended by Aboriginal people from all over the Region, which resulted in the establishment of a Regional Aboriginal Land Council – even before the Green Paper which preceded the drafting of the ALRA had been released. In September of the following year, the Traditional Owners, in response to the failure of NSW Parks and Wildlife to control access to sacred sites or to permit Aboriginal involvement in decision-making, established a bush camp and blockaded the Mutawintji National Park. The signs and posters said 'Mootwingee: Closed by the Owners'. The bush camp participants declared themselves the Mutawintji Local Aboriginal Land Council – this step, too, had been planned before the ALRA had come into force, but it illustrates the strategic intent of the community to use whatever means were available, including the draft legislation, as a vehicle to organise resistance.

As the 1980s wore on, more community organisations were established at community scale to provide essential services to communities. The Brewarrina Aboriginal Health Service

commenced operating in 1985 – the year the NAC was abolished. In the following year, both the Walgett Aboriginal Medical Service and the Bourke Aboriginal Health Service opened their doors. Further organisations were established in communities across the Region to provide social housing, children's services, cultural programmes, media, land management, employment and a variety of other human services. Instrumental in developing these initiatives were a generation of Aboriginal leaders who had been born during the 1920s, 30s and 40s – the period of peak government interference in the lives of Aboriginal people – and had reached maturity as community leaders in the 1960s, 70s and 80s. These people had developed the political skills to back their activist ambitions. Their names read like an honour roll of Aboriginal civil rights leadership: Steven Gordon, Essie Coffey, William Bates, Tombo Winters, Isabel Flick, George Rose. They were more than ready for the next phase of representative governance when it arrived.

William Bates (1950-2017) was descended from the Barkandji, Malyangaba, Wadigali and Wandjiwalgu language groups. William was involved with legal advocacy from the early 1970s; employed as a Field Officer with the Aboriginal Legal Service in 1974; he later went on to establish the WALS. William, too, played crucial roles in the rise of the Land Rights movement: he led the Mutawintji Blockade in 1983 which resulted in the handback of Mutawintji to the Traditional Owners and, later, was the first Western Regional Councillor on the NSW Aboriginal Land Council. William was responsible for initiating the purchase of Weinteriga Station in 1985 – the first purchase by a Local Aboriginal Land Council of a rural property. He was a Central Darling Shire Councillor and took a leadership role in governance of Regional organisations.

Essie Coffey (1942-1998) was a Muruwari actor, singer-songwriter, producer and dancer, mother of 18 and, above all, activist. Essie, known as 'Bush Queen', was born near Goodooga and spent her childhood moving constantly for pastoral employment and to evade the AWB. With Steven Gordon and George Rose, Essie started the Aboriginal rights movement in Brewarrina. Her films, *My Survival as an Aboriginal* (1978) and *My Life as I Live It* (1993), portray life for Aboriginal people in Brewarrina. Essie was a member of the Aboriginal Land Trust, an inaugural member of the Council for Aboriginal Reconciliation. She was awarded an OAM in 1985.

Isabel Flick (1927-2000), a Gomeroi woman, was born at Mungindi but lived at Collarenebri from an early age; her family moved frequently to keep the APB at bay. Isabel moved to Toomelah Aboriginal Station to live with her grandmother in 1936 so that she could attend school; Aboriginal children in Collarenebri were not permitted to do so at the time. Her sense of injustice was sparked early in life as a result of school segregation and police harassment. In the early 1960s, Isabel began to take action to deal with racism in Collarenebri. Four years prior to the Freedom Ride, she launched her own challenge to segregation in the local cinema and then, once her own children were at school, began agitating for equality in education. After a period in Sydney, where she had moved her family so her children had access to a better quality of education, and where she herself became more involved in structured activism through the Foundation for Aboriginal Affairs and the Tent Embassy, Isabel returned to Collarenebri. Isabel became involved, with her sister Rose, in action to protect the carved trees at Collymongle. She set up youth programmes in Collarenebri, fought for improvements in health and housing, worked for land rights, established a funeral fund and, later in life, taught Aboriginal history at, and was on the board of, Tranby Aboriginal College in Sydney.

Steven Gordon (1949-2012), a Ngemba man, was reared in Brewarrina. Like the generation before him, Steven honed his advocacy skills in the woolshed, in the context of AWU campaigns for better wages and conditions. In 1973, he joined the Aboriginal Legal Service and, in 1977, he, together with Essie Coffey, Tombo Winters and William Bates, was instrumental in establishing the Western Aboriginal Legal Service (WALS). Steven was the ATSIC Commissioner for the NSW Western Region for the life of ATSIC; the first Aboriginal ombudsman in NSW, a Brewarrina Shire Councillor, and the first elected Aboriginal representative to address the NSW Parliament.

Thomas ("Tombo") Winters (1938-2004) was a Yuwaalaraay man born at Angledool Station. His involvement with political action began in the 1960s; again, in the shearing sheds around north western NSW. In 1973, he became a Field Officer with the Aboriginal Legal Service and, later in the 1970s and into the 1980s, grew to state-wide influence in the rise of the Aboriginal Land Rights movement. Tombo took the lead in assembling the Angledool bush camp in 1982 which led to the creation of the North West Regional Aboriginal Land Council, and then used his extraordinary capacity for organising people to mobilise communities in north-western NSW to establish the network of Local Aboriginal Land Councils which exist today.

George Rose (1927-2009), known as Bandit, experienced APB oppression at first hand, and never forgot the experience. A Yuwaalaraay man born at the Angledool Aboriginal Station, George and his brother Harry, five years younger than George, were stolen from their family in 1935 and taken to the Kinchela Boys' Home, where the young George took responsibility for protecting Harry. Their mother, Linda Fernando, with the help of Bill Ferguson, fought the APB and regained custody of her children, and continued rearing them at the Brewarrina Aboriginal Station; their home at Angledool having been destroyed. Having volunteered under the Manpower Scheme during World War II and later served in the Australian Army, George went to work in the sheds and, in 1949 was voted chairman of the local AWU shearing committee. He successfully led a strike for improved wages. He then moved to Walgett where, in the 1960s, he played a key role in establishing the Walgett Aborigines Progress Association and the Walgett branch of the Aboriginal Advancement League. In 1971, as the first voluntary Field Officer for the NSW Aboriginal Legal Service North-West region, he set up offices in Walgett, Brewarrina and Moree; he later became North-West Region General Manager. George was also active at an organisational level. He was awarded an OAM in 1997.

5. The ATSIC Years

The beginnings of representative governance

In December 1987, two years after the NAC was abolished, the Labor government of Bob Hawke announced the creation of the Aboriginal and Torres Strait Islander Commission (ATSIC). Unlike the NACC and NAC, which had existed solely in an advisory capacity, the Aboriginal and Torres Strait Islander Commission (ATSIC) was to be structured such that it could combine representative decision-making with programme administration. The announcement was followed up with an extensive programme of consultation throughout the first half of 1988. Then, in August 1988, Aboriginal Affairs Minister Gerry Hand introduced draft legislation to the Parliament. Following a Senate Select Committee inquiry into the proposal, and a slow passage through the Parliament, the *Aboriginal and Torres Strait Islander Commission Bill* was eventually passed by the Australian Parliament on 2nd November 1989.

The *Aboriginal and Torres Strait Islander Commission Act 1989* (the ATSIC Act) took effect on 5th March 1990. At that time, the Australian Government Department of Aboriginal Affairs, which had been established by the Whitlam government in 1973, was abolished; as was the Aboriginal Development Commission, established in 1980, which had had an Aboriginal board and a brief oriented towards economic development and home ownership. The objectives of the Aboriginal and Torres Strait Islander Commission (ATSIC) were to 'ensure maximum participation of Aboriginal people in government policy formulation and implementation; promote indigenous self-management and self-sufficiency; further indigenous economic, social and cultural development; and ensure co-ordination in the formulation and implementation of policies affecting Aboriginal persons by Australian, State, and local governments, without detracting from the responsibilities of the State and local governments to provide services to their Aboriginal residents'. The objectives recognised the impact of past policy in bringing about dispossession and dispersal of Aboriginal peoples and their present disadvantaged position in Australian society.

ATSIC comprised two 'arms': an elected arm and an administrative arm. The representative structure established to give practical effect to the objectives of the Act at community level involved the creation of 60 ATSIC regions across mainland Australia, each of which was to be represented by a Regional Council. The regions were aggregated into zones, and an ATSIC commissioner elected to represent each zone.

In the Murdi Paaki Region, the structure gave rise to the NSW Far West Regional Council (FWRC) and the Wangkumara Regional Council (WRC) (extending east from Cobar to Collarenebri). The NSW Western Zone comprised these Regions together with the Wirawongam, Murrumbidgee/Lachlan, Deniliquin and Kamilaroi Regions. In 1990, Aboriginal voters elected councillors to their respective Regional Council. Jointly, the Councils represented a total Aboriginal population of 4,521 persons although the undercount to the ABS 1986 Census was thought to be considerable. The eligible voting population of FWRC elected 10 councillors, 6 of whom were women, while WRC comprised 13 councillors, 4 of

whom were women. The elected councillors of each Council, in turn, selected a Regional Council chairperson by secret ballot. The inaugural Regional Chairperson for the FWRC was Councillor William 'Smiley' Johnstone and the WRC Chairperson Kevin Knight. The two Councils formed part of the ATSIC NSW West Zone eligible to elect by popular vote one full-time Commissioner to sit on the ATSIC Board, the peak body which was, together with the Australian Government Minister for Aboriginal and Torres Strait Islander Affairs, responsible for policy making. Commissioner Stephen Gordon from Brewarrina became the first elected ATSIC NSW West Zone Commissioner to represent the interests of Aboriginal communities of western NSW.

In 1990, ATSIC established an office in Bourke to service the Wangkumara Region; the Far West Region was supported by the Dubbo office and a Broken Hill sub-office. The first ATSIC Regional Managers were John Nolan (for the Wangkumara Region) and Mick Brown (for the Far West Region). A move to close the Bourke office after three years and relocate staff to Dubbo was resisted by the WRC; the Bourke ATSIC office represented the only government presence in the Wangkumara Region after the ADC and DAA were abolished. It has been argued that it may not have been possible to develop the Murdi Paaki governance model without a government presence in the Region.

Both Councils were tasked with developing a programme of strategic initiatives at regional and community level to inform negotiations with governments around service delivery. Initially, a Community Plan was prepared for each community in both Regions. Consultants were engaged by the Regional Councils to work conduct workshops in each community to support communities to articulate their goals, identify the issues they wished to address, and develop and document a strategic response. Community Plans prepared by the FWRC communities during 1992 and 1993, collectively, were awarded the Royal Australian Planning Institute (RAPI) NSW Division Award for Excellence in Community Planning in 1994 and a Certificate of Merit at the RAPI National level in 1995. Following Community Plan preparation, consultants were again engaged in 1993; this time, to prepare a five year Regional Plan for each Region, in accordance with the ATSIC Act. In each case, preparation of the plans was directed by Regional Council, and drew on extensive consultations, community plans, and background research drawn from a variety of sources including Australian Bureau of Statistics census data.

A key feature of the governance landscape was the creation by the Australian Government of the infrastructure required to give implementation the best opportunity to succeed and a preparedness to resource Councils to function as advisory bodies. Allocations for sitting fees, travel-related and meeting costs were budgeted. The administrative infrastructure comprised direct support by the ATSIC Regional Office in the form of secretariat services, disclosure of programme and project expenditures and advocacy within governments. Other resources were made available by Central Office to guide consistent administration and strategic planning processes. Even for the bureaucracy, ATSIC was a new way of doing business. The inaugural ATSIC Wangkumara Regional Manager recalled:

Communities fitted into the ATSIC system; ATSIC fitted into community systems. It was very flexible. We didn't want to be seen as government but to be there for the communities.

John Nolan, ATSIC Regional Manager 1990-1995

The administrative arm of ATSIC, as distinct from the elected arm, managed programmes and projects, but the ability to influence funding streams gave meaning to effective decision-making by the Councils in the prioritisation and oversight of some ATSIC programmes, most notably the Community Housing and Infrastructure Programme (CHIP) and the jointly funded ATSIC, NSW Office of Aboriginal Affairs (OAA) and NSW Aboriginal Land Council (NSWALC) Tripartite Infrastructure Programme (TRIP). During this initial period, the FWRC and WRC were routinely and competently allocating programme budgets of around \$4 million and \$8 million, respectively.

The Councils encouraged broad participation in their monthly meetings, opening the doors to community members and organisations in the interests of information-sharing and accountability, and to representatives from the political and administrative arms of governments, and service providers. All meetings were minuted and minutes kept available for scrutiny. The task facing Councils was prodigious. Challenges to improve the circumstances of Aboriginal people living in the regions presented on every front.

The Act amended: creation of the Murdi Paaki Regional Council

Amendments to the ATSIC Act in 1993, among other changes, reduced the number of Regional Councils nationally from 60 to 36. In the Region, the legislative change entailed the negotiated amalgamation of the FWRC and the WRC, together with a re-drawing of boundaries to include the Coonamble and Gulargambone communities previously in the Wirawongam Regional Council, to form the ATSIC Bourke Region. Aboriginal people on the electoral role voted on 4th December 1993 to elect the new Bourke Regional Council: 16 councillors: 11 from the Wangkumara ward and five from the Far West Ward, to represent all Aboriginal communities in a geographic area which covered almost 40% of NSW. There was a great deal of interest in the election: a total of 54 candidates nominated for election to 16 positions. Of the 16 councillors elected, three were from Walgett, three from Wilcannia, two were from each of Bourke, Brewarrina and Goodooga, and one was from each of the Dareton, Enngonia and Lightning Ridge communities. No women were elected. Regional Council, at its third meeting held in Coonamble from 17th to 20th May 1994, resolved to change the name of the Regional Council to Murdi Paaki, which was translated as 'Black Man's River'. At that meeting, William 'Smiley' Johnstone was elected Chairperson, Barry Edwards was elected Deputy Chairperson, and Isaac Gordon, Alternate Deputy Chairperson.

The ATSIC Zone boundaries, too, were redrawn, with the NSW South Coast added to the NSW (West) Zone. The three Regional Councils, Murdi Paaki, Binaal Billa and NSW South Coast, elected a full-time Commissioner to sit on the ATSIC Board. Commissioner Steven Gordon was duly elected ATSIC NSW (West) Zone Commissioner, a role he retained for the life of the Commission. Commissioner Gordon, in this representative capacity, endeavoured to steer the interests of Regional Council through the executive processes of government.

The Regional Council decided not to adopt the body corporate structure permitted by the ATSIC Act but to function as a peak advisory institution for the short term. In consequence, it chose not to acquire, hold and dispose of real and personal property nor enter into contracts. The threats posed by compliance issues and conflicts were seen to be too much of a risk. It is not apparent whether this compromised Regional Council's ability in respect of its statutory function 'to assist, advise and co-operate with the Commission, other Australian Government bodies and State, Territory and local government bodies in the implementation of the regional plan' but Regional Council exuded optimism in seeing progress:

'What is encouraging is that our people are at last on the edge of breaking free of the welfare mentality that kept our parents in custody, blighting their outlook for a better future.'³¹

This optimism was set against the broader picture of ATSIC's surge towards independent jurisdiction. Although ATSIC was very much under ministerial control, the elected arm made significant progress towards self-determination for Aboriginal people, with its independence increasing over time: for example, in 1994-1995, ATSIC applied for and was granted accredited NGO status at the United Nations (Sanders 2004).

Communities in the Murdi Paaki Region were active in participating in the democratic process during this time. Voter turnout at ATSIC Council elections for the Region was consistently above the percentage for Australia as a whole and well in excess of the level of engagement witnessed in all other ATSIC Regions in NSW. This is a remarkable effort given Aboriginal people in the remote locations faced access and transport issues in getting to vote at ATSIC election polling booths, and that voting was optional.

The FWRC and the WRC had already concluded their regional planning process when the amalgamation occurred so councillors were primed to move quickly to develop a more far reaching and ambitious strategic agenda which would, with greater authority, address the needs of Aboriginal people of the Region. The first Regional Plan for the Murdi Paaki Region was thus prepared during 1994 and 1995 after extensive consultation across communities, to capture areas of need, and document priority actions. The Regional Plan took on many of the bread-and-butter issues communities across the Region were contending with at the time: the education needs of children and their families; the health status of the population and access to quality, culturally safe care; opportunities to participate in the economy; how to maintain the vibrancy of the living cultures and languages of the Region. Even at that stage, though, the Regional Council was making visionary strategy related to jurisdiction and authority. The Plan identified three clear goals which would define Regional Council's immediate mandate:

- Political and administrative autonomy through leadership and good governance;
- Improved health and living standards for the Aboriginal people of the Region; and
- Improved economic outcomes for the Aboriginal people of the Region.

This visionary approach saw the inaugural Murdi Paaki Regional Plan awarded the Royal Australian Planning Institute (RAPI) NSW Division Award for Excellence in Community Planning in 1996 and a Certificate of Merit at the RAPI National level in 1997.

Through its own example, the Regional Council aimed to achieve:

- Stronger community participation in political activity, policy-setting and decision-making;
- Ongoing and comprehensive regional and community evidence-based planning;
- Improved targeting and coordination of service delivery and new funding arrangements aligned to regional needs and aspirations;
- Productive working relationships with government service providers; and
- Greater accountability leading to better outcomes.

Murdi Paaki Regional Council, with an already evolved governance and leadership framework created around community representation, provided the ideal institution for fostering regional relationships with the primary purpose of improving the way government agencies responded to and provided services to the region's Aboriginal communities. In this role, councillors reasoned, Regional Council could provide the direct communication channel connecting community aspiration and advocacy with higher standards of government service delivery.

Part way through preparation of the Regional Plan, Regional Council began discussions with the Regional Co-ordination Management Group (RCMG). This group was convened by the NSW Department of Premier and Cabinet Regional Co-ordinator and its members were the Regional Managers of each of the NSW Government agencies with a presence in the Region. Collaboration between the RCMG and Regional Council was intended to bring to bear a whole-of-government approach to supporting Regional Plan implementation, and the Regional Council chairperson continued to participate in RCMG meetings for a considerable period. In light of the heavy demand on councillors, portfolio groups were established to work with agencies to implement the Regional Plan. Even with these strategic moves in place, an inability to control and make final decisions about funding priorities or services would nevertheless limit the extent to which Regional Council could respond adequately to community needs.

On 6th November 1995, Smiley Johnstone resigned as Chairperson of Murdi Paaki Regional Council. He remained as a Councillor until standing down at the 1999 ATSIC election. Barry Edwards was elected Chairperson following Smiley Johnstone's vacating the chair, then William 'Sam' Jeffries was elected to the chair following the ATSIC election in October 1996.

Later in the 1990s, Regional Council entered into a partnership with five of the local government councils in the Region (Bourke, Brewarrina, Central Darling, Coonamble and Walgett Shire Councils). The Barwon Darling Alliance came together with a view to collaborating on innovative responses to common regional concerns; particularly economic

and quality of life challenges. Two comprehensively researched initiatives calculated to bring about change were the Alliance's proposal for creation of a Socio-Economic Zone – a model based upon the enterprise zones created elsewhere for economic development tailored to the needs of a region beset by the impacts of remoteness and market failure; and a plan for the creation of the Barwon-Darling Credit Union to meet the banking and financial competence needs of the communities of the Region. The Alliance employed a project officer, and the proposals were promoted to governments; however, there was insufficient interest for the initiatives to gain traction. By the mid 2000s, councils had all individually employed their own economic development officers and the appetite for collaboration had waned; the Alliance folded in 2008, leaving what had by then become the Murdi Paaki Regional Assembly without the resources needed to promote economic development.

Stability and continuity were features of the formative years of Regional Council, even through the transition of 1996/97 to a more streamlined structure as a result of further legislative change. Elections were well contested: in 1996, 29 nominees stood for 10 Regional Council vacancies and, at this election too, voter turnout exceeded that for any other ATSIC region in NSW. The Regional Council gender imbalance continued, with only one Aboriginal woman being successful at the ballot box in the first six years of Regional Council's existence. This cannot be attributed to cultural beliefs about the role of women in Aboriginal society, marginalisation, absence of role models or lack of access to education since voters had elected women enthusiastically to the WRC and the FWRC prior to the amalgamation. While perhaps not all Aboriginal people in the Region felt committed to, or served by the regional structure, the open, democratic process which focused on strong community engagement was broadly acclaimed. Regional Council could reasonably argue that its governance model had cultural legitimacy and representational equity. With family affiliations and residency often reaching across a number of communities, most community members could access a councillor.

The Torres Strait Regional Authority (TSRA) had been established under the ATSIC Act on 1st July 1994 with statutory functions and devolved powers granted by the then Minister for Aboriginal and Torres Strait Islander Affairs. Regional Council saw the Regional Plan as a vehicle for enabling its own progression to Regional Authority status and, in fact, it accorded this the highest priority in the Plan with a view to becoming a Regional Authority by 1998. Regional Council therefore incorporated in the Plan a strong overarching emphasis on governance as well as making strategy across the usual portfolio areas. The TSRA was authorised to undertake what was 'necessary or convenient to be done for or in connection with the performance of its functions' and Regional Council was of the firm view that its structures and governance processes were equally sufficiently robust to meet the challenge of self-administration associated with performing all the functions of ATSIC. Regional Council had, after all, organised itself collectively, legitimately and effectively, within a rules-based cultural, political and social framework, to advance a considered comprehensive strategic agenda which spanned a broad range of interconnected areas of disadvantage. Then Chairperson William 'Sam' Jeffries reflected:

' Constitution as a Regional Authority will provide a mechanism for Murdi Paaki to play a more autonomous role at regional and local levels, lessen the weight of bureaucracy and rigid, structured budget and funding process.'³²

The aspiration could only be realised either by granting Assembly status under the ATSIC Act, by legislative change or by a Ministerial direction to ATSIC. Further work was envisaged to explore potential political structures which might be a fit within the existing legislative framework.

1996-97 saw the closure of the ATSIC sub-regional office in Broken Hill as a result of budget cuts, leaving Bourke as the sole regional contact point with the Australian Government. Irrespective that the Broken Hill office boasted a permanent full-time staff of one, this move was opposed by Regional Council on the grounds that the quality and timeliness of services to the Far West Ward communities would be diminished. Broken Hill is, after all, over 600 km distant from Bourke.

Regional social infrastructure

Regional Council took a creative approach to implementation of the *Regional Plan*; Regional Council's innovative decision to establish regional organisations to meet regional strategic needs has stood the test of time. The first of these regional organisations later became Maari Ma Health Aboriginal Corporation. Following from a planning day held late in 1994, Regional Council engaged health consultants to consult and advise on the best course of action for FWWAHS to support communities to meet their health care needs and, as a result, the Far West Ward Aboriginal Health Service (FWWAHS) commenced operating in 1995. At about the same time, the NSW Department of Health created the Far West Area Health Service (FWAHS). The new FWAHS CEO was keen to prioritise a reform agenda around Aboriginal health and primary health care. FWWAHS, on the advice of its consultants, resolved to work with FWAHS to maximise the impact of limited resources for the Aboriginal communities of the Far West Ward.

The following three year period saw a succession of joint innovations unique in the history of health service provision, mainstream or Indigenous-specific. The first, commencing early in 1998, was sponsorship and administration, as lead organisation, of the Wilcannia Aboriginal Co-ordinated Care Trial, an initiative of the Australian Government Health Department. The trial involved a whole-of-community approach to co-ordination of health care by partners FWWAHS, FWAHS, the Royal Flying Doctor Service and, initially, the NSW Department of Community Services. A key element of the arrangement was the cashing out and pooling of health and health-related funding to the community, including Medical Benefits Schedule and Pharmaceutical Benefits Scheme funding. The Wilcannia Community Working Party was intimately involved in directing the project and holding the managers accountable.

The second key project was the agreement with FWAHS for management of all public health services in the Lower Western Sector. For the first time, an Aboriginal community-controlled service was managing mainstream health facilities and services, including public hospitals.

This arrangement lasted for ten years. At the same time, FWWAHS was also directly providing primary health care services to the Aboriginal community of Broken Hill. In 2000, following a review of the organisation, FWWAHS was reborn as Maari Ma. It now employs 124 people, the majority Aboriginal, and provides services to communities across western NSW.

Economic development was a second key concern that Regional Council identified as requiring a regional response. Murdi Paaki Training and Employment Aboriginal Corporation (MPTEAC) came into existence in 1996 with the overall objective of increasing employment opportunities for and economic self sufficiency of Aboriginal people in ways which would benefit the Aboriginal communities of the Region. It would do this by enhancing existing employment programmes and projects, increasing skill levels through negotiating accredited training, developing and brokering employment opportunities, and identifying new commercial projects and enterprises. The role envisaged for MPTEAC was strategic, with a strong emphasis on brokerage, co-ordination and agreement-making as well as direct service delivery. MPTEAC evolved into Murdi Paaki Regional Enterprise Corporation (MPREC) in 2003. MPREC, too, was responsible for employment and economic development, principally managing the Community Development Employment Projects (CDEP). Later, MPREC relocated from the Murdi Paaki Region to Dubbo and, most recently, has been reconstituted as the Regional Economic Development Institute (REDI.E).

The third regional response in Regional Council's strategic agenda was aimed towards maintaining the Region's Aboriginal social housing estate and improving the tenant experience. By the mid 1990s, ownership of Aboriginal community owned social housing in the Murdi Paaki Region rested with over forty Aboriginal Community Housing Providers (ACHPs), often but not exclusively Local Aboriginal Land Councils. Many of the 770 or so dwellings were old and crowded and, despite occasional government funded repair and maintenance programmes, dilapidated. Rent collection was generally inadequate to cover outgoings; some ACHPs were in financial difficulty if not trading insolvent and Local Government Councils had started to forcibly claim and dispose of housing stock for unpaid rates. Regional Council resolved to treat this as a regional emergency requiring a regional response, and created Murdi Paaki Regional Housing Corporation (MPRHC) in 1997 to offer a management structure which would accept ailing ACHP housing assets by title transfer, improve asset condition and availability, ensure sustainable levels of rental income including rent collection, broker employment and training opportunities and rebuild ACHP capacity. By 2002, MPRHC held a total portfolio of 507 residential properties, of which 385 were income-earning residential dwellings, with a total market value estimated to be about \$40M. Rent collection varied between 93% and 96%. While MPRHC has been severely disadvantaged by subsequent NSW Government policy, in the eyes of tenants it continues to perform at a higher level than any other provider of Aboriginal social housing in the Region, and is the provider of choice for Aboriginal people living in the Region.

All three organisations were created as strategic incorporated Aboriginal community controlled organisations with Boards drawn principally but not exclusively from Murdi Paaki Regional Councillors to organisational models developed as result of community consultation.

A common objective was that the organisations would provide communities the opportunity to have more input into the planning, design and delivery of culturally safe services, allow for greater participation of Aboriginal people as managers and workers, and improve service and programme effectiveness.

Governing housing projects: the birth of the Community Working Parties

On a practical front, Council was seriously concerned about the appalling living conditions being experienced by many Aboriginal households, particularly those still residing in self-built accommodation; living on former Reserves, often without adequate amenity and services; inhabiting housing with structural faults or non-functional environmental health infrastructure, or enduring any combination of these issues. Rectifying deficiencies in health service provision, community housing and infrastructure were thus self-evident priorities for the Regional Plan 1995.

Articulation of Regional Council's priorities in relation to community housing and infrastructure coincided with the rollout of the Australian Government's National Aboriginal Health Strategy programme (NAHS), managed by ATSIC, which provided funding for community housing and infrastructure projects to improve environmental health conditions, generally, to remote Aboriginal communities. Recommendations for improvements to NAHS programme delivery approved by the ATSIC Board in June 1994 resulted in the creation of the Health Infrastructure Priority Projects (HIPP) programme within NAHS, under which new programme delivery arrangements for the construction of Aboriginal community housing and infrastructure would be trialled. Regional Council felt that communities needed to own and take the lead in planning their future but this required the right structures to ensure that communities could inform themselves and exercise decision-making. NAHS programme design specifically provided communities the opportunity to take a leadership role in project delivery and embedded a greater role for private sector involvement in the construction and management of housing, water, sewerage and other essential infrastructure projects.

In the first half of 1995, the ATSIC Board approved 31 NAHS/HIPP pilot projects to commence in 1995-96. The Region was successful in securing funding for a major project at Dareton. A pressing issue for Murdi Paaki Regional Council had been the lack of consultation, co-ordination and consistency by governments in delivering community housing projects to date. Regional Council considered this problem could be resolved effectively by structural change in government policy and practice, and by engaging communities in project development from the earliest stage, and so devised the framework for this to happen.

The earliest Community Working Party (CWP) was formed as the direct result of allocation of housing funding to the Region. In Dareton, the grantee organisation for HIPP was the Dareton Local Aboriginal Land Council, and dysfunction in the Land Council led to concern within the community as to the extent to which it would be possible for the broader community to influence decision-making around the project. Regional Council, too, was concerned, and insisted that the funding would not be granted to the Land Council unless a broad

representative structure was established to govern the project. Regional Council was firmly of the view that it would support funding communities rather than organisations which were, by and large, service providers and likely to have a biased position, particularly if subject to local criticism for real or perceived underperformance. Similarly, Regional Council was keen to ensure fair and equal opportunity in debate to avoid undue influence by sectional interests.

Thus, the Namatjira Working Party was formed, with members resolving to appoint an independent chairperson to guide business as a means to bypass community conflict. The inaugural Independent Chairperson was Councillor William (Smiley) Johnstone, who moulded the Working Party into a formidable negotiating force. Non-affiliated individuals from all sections of the Aboriginal community, community controlled Aboriginal organisations, all tiers of government, other service providers and NGOs participated in numbers in regular meetings, giving credibility to the concept of Regional Agreements and the power of Community Working Parties as effective agents of change. About the same time, the Wilcannia community initiated its own community governance structure, the Maarima Committee, which was later reconstituted as the Wilcannia CWP. Both bodies adopted a cultural approach to governance arrangements, opening meetings to those community people who wished to be heard but building a core group capable of strategic thought and decision-making. The earliest CWPs were thus the direct result of the communities, working through and supported by the ATSIC Murdi Paaki Regional Council, seeking to organise themselves through creating a broadly representative body to govern the planning and delivery of services, programmes and projects. The CWPs were, and always have been, creatures of community, not of government.

The NSW Government had begun to take a serious interest in experimenting with new ways to tackle housing and environmental health infrastructure issues in Aboriginal communities around this time, and the NSW Department of Aboriginal Affairs was instrumental in establishing the Aboriginal Environmental Health Infrastructure Forum (AEHIF). The AEHIF was a broad coalition of NSW Government agencies with a remit around environmental health and related human services, led by the then NSW Department of Aboriginal Affairs (DAA) and NSW Health Aboriginal Health Branch, with each agency represented by its Secretary or Chief Executive. The AEHIF collectively contributed pooled funding to deliver projects. The amount of funding was small relative to the HIPP and NAHS budgets; however, it was made available for innovative projects which complemented the work being undertaken with Australian Government funding. In the Murdi Paaki Region, the NSW Government's Aboriginal Environmental Health Infrastructure Project (AEHIP) was successfully integrated with the HIPP and NAHS Projects in Dareton and Wilcannia, respectively. One of the first AEHIP projects was the preparation of the *Housing and Environmental Health Plan* (HEHP) for Namatjira Avenue at Dareton. The process of research for and writing of the Namatjira HEHP, together with a similar Plan prepared for Muli Muli on the NSW North Coast, was the proving ground for a methodology which was later used as the foundation for housing and infrastructure capital works projects across the Murdi Paaki Region.

In 1996, the Murdi Paaki Regional Council and the NSW Government negotiated a landmark *Aboriginal Housing and Infrastructure Regional Agreement*. This was the first time Regional Council had entered into a strategic agreement with either the NSW or Australian Government, and the negotiation process built on the success of the AEHIP. The purpose of the *Regional Agreement* was to deliver 'housing, environmental health infrastructure and related programs and services to all communities in the Region in a co-ordinated and accountable way'.³³ Delivery of services under the *Regional Agreement* was guided by the *Murdi Paaki Regional Council Aboriginal Housing and Infrastructure Regional Agreement Implementation Manual*³⁴, developed by Regional Council with funding and other support from DAA and NSW Health, all entities working in partnership. The *Implementation Manual* drew heavily upon the experience gained through delivery of the HIPP programme in Dareton. The *Regional Agreement* signalled a new approach to the delivery of housing, water supply, sewerage, roads and other essential infrastructure to Aboriginal communities in the Region. It called for service providers to focus collectively on identified disadvantage when allocating resources and delivering services to bring about a measurable improvement in the health and wellbeing of Aboriginal people living in the Region. Regional Council took the decision to use a model of programme delivery which provided a common 'whole of governments' framework for delivery of all housing and infrastructure programmes and services. The model provided a co-ordinated and structured approach under the direction of CWP's, each supported by a Project Manager to find best practice solutions to meet and address identified need. The Regional Council Chairperson at the time, William 'Smiley' Johnstone, saw this first *Regional Agreement* in terms of its potential as the forerunner for a succession of such agreements negotiated as a vehicle for self-determination:

'Constitutional change meaningful to our people is implied in the concept of regional agreements ... Regional agreements should be forged with and by people elected to the regions, if we are to achieve genuine empowerment of our people at the local level ... It is careful planning that will achieve our goals.'

He noted, though, that accountability was a hurdle still to be negotiated:

'We need to see that all Government service providers and agencies are accountable to the Indigenous community. This may entail an education process to ensure that agencies, including ATSIC, understand their own task in terms that are meaningful and relevant to our people.'³⁵

The *Regional Agreement Implementation Manual* was drafted by Regional Council as a concise 'how to' for all parties to a community housing-related programme, and was not a creation, instruction or imposition of governments. Central to the agreement were the concepts of a coherent, holistic approach to dealing with serious identified areas of disadvantage and a direct involvement of community through its representatives at grass-roots level. The formal structures, management procedures, technicalities and compliance requirements inherent in the usual ways of doing business were dispensed with in favour of a more organic, fluid and yet accountable process which sought to bring about a measurable improvement in the health and well-being of Aboriginal people living in the Region. Communities were energised to take the governance and strategy roles in project delivery, led by a Regional Councillor. Communities were granted the power and authority to identify

their values and aspirations, build an evidence-base to inform decision-making and forge the relationships required for successful outcomes.

The Namatjira project proved to be an exemplar for the holistic approach that strong community governance, collaboration and trust could achieve, if given the opportunity and adequate resources. Reasons for its success include:

- The Regional Agreement set a new benchmark for giving Aboriginal people a greater say in how, when and where funds were spent in a staged and sustainable way;
- The Community Working Party was a dynamic mix of voices and maintained enthusiasm for community projects;
- Training resulted in career paths for trainees, mentoring systems, with the development of small businesses being prioritised;
- The living environment focus with its emphasis on building tangible improvements to housing, water supply, roads, and dust control helped to build community confidence; and
- Onsite project management meant that all projects were completed by a single Project Manager, allowing for the staging of projects and lessening the possibility of duplicated effort.³⁶

In 1997, a further round of HIPP and NAHS projects was being developed. In addition to the project already commenced in Dareton, Bourke, Wilcannia, Goodooga, Walgett, Coonamble and Gulargambone each commenced a HIPP or NAHS-funded project. Wilcannia had already established a CWP from the earlier Maarima Committee; CWPs were now established in the other HIPP/NAHS communities. As with Dareton, each community selected a Project Manager and, with oversight by a private sector Programme Manager contracted by ATSIC, developed a Master Plan to guide all facets of project delivery. Funding for these projects totalled over \$20M, all under the governance of CWPs. In this new role, with the assistance of Project Managers to support the administrative function, and active interest among community individuals and organisations, CWPs excelled.

The principles stated in the *Regional Agreement*: empowerment, self-determination and self-management; economic independence and equity; negotiation with, and maximum participation by, Aboriginal peoples; and maintenance of Aboriginal cultural practices; were being realised. The task of bringing together disparate groups and factions within community to work in a cooperative and accountable way in the interests of all sections of the community cannot be overestimated but there is no doubt that strong leadership, equity of voice, accountability and tangible activity contributed to setting aside cultural and familial differences in the interests of a common goal. Voting and decision making was restricted to community representatives; governments were not permitted the right to veto decisions but were rather tasked with responding with positive action to an evidence-based invitation. The presence of a Project Manager provided the CWPs with a professional resource able to support and coordinate not only housing-related initiatives but other social and economic

programmes and projects and so the initial funding stream was progressively augmented with other streams, some capital and some recurrent. In Dareton alone, an initial allocation of \$7M had been augmented by over \$3M in additional funding from various sources through CWP initiatives negotiated to resource training programmes and social infrastructure for the community. Strategic engagement not only included decision-making around physical infrastructure; it extended to development of innovative and transparent methodology for housing allocation; design and negotiation of training and employment strategies; and identification and exploitation of other opportunities to add value through negotiation and persuasion using the evidence base set out in the *Housing and Environmental Health Plans*. Community Working Parties were able, probably for the first time, to begin to tackle areas of identified need with a multi-dimensional perspective. Depending upon capacity, a Community Working Party could gather and interpret evidence, prioritise areas for action, provide solutions for implementation and indicate how it would view success.

In parallel with the delivery of these housing and infrastructure projects, Regional Council was involved in collaborative strategic initiatives with values-aligned mainstream service providers. Perhaps the most successful of these was the Murdi Paaki Aboriginal Environmental Health Forum. This partnership supported by Maari Ma and the then Far West Area Health Service fostered a rigorous process of research and development which led to the preparation of a context-specific set of Aboriginal social housing design guidelines, the Murdi Paaki Healthy Housing Worker programme and contributed to other, environmental health-related initiatives such as Housing for Health.

On 29th May 1998, in Bourke, the NSW Deputy Premier announced an allocation of \$200M over the following seven years to Aboriginal housing and infrastructure projects. This initiative, labelled the Aboriginal Communities Development Programme (ACDP), was auspiced by DAA, with programme management by the then NSW Public Works. In the Murdi Paaki Region, ACDP funding was allocated to all communities except Broken Hill, Cobar and Ivanhoe. Thirteen of the 22 communities designated 'priority communities' under ACDP were located in the Murdi Paaki Region: Bourke, Brewarrina, Lightning Ridge, Collarenebri, Coonamble, Gulargambone, Walgett, Goodooga, Enngonia, Weilmoringle, Wilcannia, Menindee and Dareton. In total, over the life of ACDP from 1998 to 2011, these communities were allocated a total of over \$106M. In addition, Cobar, Ivanhoe and Broken Hill were allocated amounts totalling \$457,000 for Housing for Health programmes to address environmental health shortcomings in individual dwellings. In parallel with allocation of capital works funding under these programmes, CWPs were created in each of the recipient communities which did not already have one, to govern the roll-out of development projects.

By the time the second edition of the *Aboriginal Housing and Infrastructure Regional Agreement Implementation Manual* was prepared in December 1999, CWPs had been established in Bourke, Coonamble, Goodooga, Gulargambone and Walgett, in addition to the original CWPs in Dareton and Wilcannia; by 2001, CWPs also existed in Lightning Ridge, Collarenebri, Brewarrina, Enngonia, Weilmoringle, Broken Hill and Menindee, and in 2002, CWPs were also created in Cobar and Ivanhoe. The second edition of the *Manual*, prepared

as the roll-out of ACDP was commencing across the Region, reflected a broadening of the role of the Community Working Parties which, while still focussing on their role in directing implementation of housing and environmental health infrastructure projects, were placing a more strategic emphasis on responsiveness, co-ordination and accountability of agencies and the programmes agencies were delivering. The *Manual* represented the first formal initiative to define and document CWP governance structures and protocols, but also served as a manifesto setting out Regional Council's expectations of the way governments and government agencies would interact with communities. The mode of engagement elaborated in the *Manual* was to foster, among other things:

- Increased community participation through the CWP structure in service design and delivery;
- Better targeted policy and programme frameworks through inter-agency co-ordination and co-operation;
- Strengthening of principles of empowerment, self-determination and self-management; economic independence and equity; negotiation with and maximum participation by Aboriginal peoples; and maintenance of Aboriginal cultural practices by unreserved involvement of the community in decision-making;
- Greater accountability on the part of agencies through the development and articulation by the CWPs of outcome-based accountability measures; and
- Implementation of structured, fully funded training and employment initiatives resulting in accredited outcomes.³⁷

Little advance planning had been carried out by Aboriginal Affairs NSW (AANSW), the agency responsible for ACDP programme delivery, and so seamless integration of ACDP with NAHS could not be achieved and critical Aboriginal building operations and training programmes came under threat. Efforts were made at a community level to maintain a degree of continuity but, with CWP powers and authority effectively reined in under a more generic regime of engagement, community interest started to wane. Communities perceived the rigid hand of a metropolitan-focused government again descending as limits on decision-making were implemented. As ACDP delivery methodology crystallised, the *Regional Agreement* with the New South Wales Government was sidelined. The pragmatism accompanying the involvement of the private sector throughout the NAHS projects was superseded by layers of bureaucratic red tape as DAA, the NSW Aboriginal Housing Office (AHO) and the new Programme Manager, NSW Public Works, implemented 'one size fits all' programme arrangements irrespective of regional and community governance arrangements, and of remoteness.

The language of capacity building came with ACDP and with it the view that the NSW Government considered the CWPs of the Murdi Paaki Region to be deficient in some way in governance skills and decision-making ability. The winding back of power and authority had commenced. It mattered not that leadership, participation and innovation driven by the 'grass roots', had demonstrated the inherent strengths of a professionally supported representative community institution to drive a transformation process, rules were rules. ACDP

became just another government funded programme to the Region which promised much but, despite the hype, delivered little in terms of community development. Capacity is derived from the accumulation of knowledge and experience. Regional Council had been able to use the CWP as a vehicle for community capacity building in the interests of developing the strongest advocacy for improved outcomes. In relation to ACDP delivery, although the views of Regional Council were heard, they were not acted upon. Government knew better.

The move towards autonomy

Regional Council had not lost its focus on the big picture and continued to advocate for Regional Authority status and move beyond a planning and advice role. A review of the operation of the ATSIC Act in 1997 and 1998 encouraged Regional Council to believe that the Australian Government was moving towards an acknowledgement that the model of community governance and participation as exhibited by the Murdi Paaki Regional Council was both credible and durable. CWPs were maturing and claiming legitimacy, their decision-making informing Regional Council's broader strategic agenda and attracting ever greater interest from government agencies which saw increased opportunity for access and meaningful engagement. The outcomes being achieved allowed the Regional Council the confidence to promote its model through Parliamentary Enquiries, political advocacy, within the bureaucracies and through evaluation.

With the operations of Community Working Parties well established, and hopes for Regional autonomy still very much alive, Regional Council set about investigating Indigenous governance models nationally and overseas to guide further thinking around a suitable structure, powers and accountabilities for a Regional Authority and the manner in which Community Working Parties could function and be accountable for policy implementation. In September 1999, Indigenous Affairs Minister John Herron with Gatjil Djerrkura, then Chairperson of ATSIC, launched a discussion paper titled *Regional Autonomy for Aboriginal and Torres Strait Islander Communities*³⁸. The discussion paper noted that the Murdi Paaki Regional Council, among four other regions, had expressed interest in autonomy. Following the release of the *Discussion Paper*, and the consultation process it initiated, ATSIC released a report canvassing the findings and making recommendations noting the need for further consideration by communities of structures and approaches which satisfied their diverse needs; supporting the capacity of Regional Councils to enter into agreements; supporting the right of communities to establish regional authorities, and recommending to the Minister that legislative approval be granted to enable establishment of a regional authority in cases where criteria were met³⁹. Councils were to be supported to undertake further work to research and develop structures and approaches. The report contained extensive reference to the Murdi Paaki experience, particularly in relation to the role of CWPs to enhance representation and communication; to Regional Council's experience in negotiating and contracting regional agreements; and to Regional Council's sophisticated approach to making and implementing its Regional Plan. By the time the report was released, Regional

Council had already sought and received funding to research and develop its own model for regional autonomy.

Regional Council's move towards developing its Regional Authority model commenced with a 2 day workshop focussing on its approach to the task. Regional Council engaged Maari Ma Health Aboriginal Corporation to obtain the services of Michael Stewart, who was working for Maari Ma at the time, to research and document the goals and objectives of such an authority as a first step. There followed a lengthy process involving a series of workshops conducted across the Region to seek community input into the engagement process. Regional Council also held a number of workshops with Michael Stewart and Patrick Bradberry during this period. An element of their work was the Community Working Parties Governance Study. Once the goals and objectives had been identified, Regional Council engaged Rolf Gerritsen to conduct a detailed exploration of models domestically and internationally. Regional Council then obtained the assistance of George Menham to facilitate development of a context- and purpose-specific model based upon the findings of the earlier two phases of the project, and to document a transition process. The process of development of the model extended over a period of about four years.

The amount of time and effort committed to investigating alternative arrangements cannot be over-estimated. Endless hours of research, consultation and consideration resulted in a detailed, sophisticated and convincing argument in favour of a transition from a Regional Council to a Regional Authority under the provisions of the ATSIC Act. The steps by which the transition could occur and the administrative infrastructure needed to support the Regional Authority once the transition had been completed were worked through with thoroughness. The discussion paper prepared to canvass prospects for autonomy explained the appetite for change:

We have 'outgrown' the arrangements put in place by the ATSIC legislation and practices imposed on us by bureaucracies such as the Department of Aboriginal Affairs (DAA), Aboriginal Development Commission (ADC), Treasury, the Audit Office and ATSIC itself.⁴⁰

These were not fanciful ideas as the debate on extending the powers and authorities of Regional Councils continued in political circles. They were, rather, thoughtful ideas on how all interested parties could move forward to achieve common objectives. Regional Council understood that Community Working Parties were still in the formative stages of development and could further evolve to be a strong force for change at local level when working to an evidence-based strategic programme of service improvement within a broader framework of negotiated regional and local agreements. Standards would rise as providers were subject to local scrutiny, evaluation and review. Underperformance would place providers, both Aboriginal and non-Aboriginal, under a cloud and at risk of loss of contracts so survival would entail a continuing process of organisational strengthening and quality improvement. Ultimately, Regional Council envisaged that communities would achieve a high level of competence in service and programme governance and be tasked with directing allocations from a funding pool. The commissioning by Regional Council in 2002 of the Community Working Parties Governance Study was a vital stepping stone to CWP's attaining

the level of skill required. The study was seen as the next logical phase in an orderly and strategic process of development. Michael Stewart and Patrick Bradberry were commissioned to undertake the study, and to prepare the six-booklet *Murdi Paaki ATSIC Region Aboriginal Community Governance Resource Kit* ⁴¹. This comprehensive kit was aimed at strengthening the capacity of local communities. It embraced views and aspirations derived from extensive consultation with Aboriginal people across the Region and was founded in community ownership. It set the groundwork for Community Working Parties ultimately to be reformed as Community Councils but this ambition continued to be a 'work in progress' as Regional Council and communities deliberated on the most appropriate regional and community structures and ways of doing business:

Regardless of structure the issue is really about shifting decision-making powers from centralised control out to 'where the people live.' The starting point is what the people themselves determine is necessary to improve their livelihoods and wellbeing. It is about re-designing the rules of the game. It impacts on how policies are made, programs designed, and services delivered. ⁴²

Regional Council saw itself as the means by which communities could realise their aspirations through autonomous action, not only in respect of services but also in terms of other basic human and cultural rights. Most importantly in the long run, the *Resource Kit* placed CWP's at the heart of community governance in the Murdi Paaki Region, and the valuable work undertaken in preparing the kit continued to strengthen the institution and position Aboriginal communities in such a way as to provide for robust, effective governance at the local level, and deliver the best possible prospects for negotiating improved service provision with governments.

Despite Regional Council's advances in community-led governance, governments reverted to a 'business as usual' mindset and old system inefficiencies and inequities re-emerged, prompting:

a realisation by Regional Council that we need to lead discussion within our communities that challenge the 'comfort zone' that government agencies and Aboriginal communities have 'fallen into' by serving the 'rhetoric' of 'self-management', 'self-determination', 'self-sufficiency', 'empowerment' and 'ownership'. These terminologies serve the 'political interests' of Government policy makers and are unknown 'qualities' in Aboriginal communities. Aboriginal communities have been 'trapped' within this web that has been spun for them.' ⁴³

External bureaucratic structures had returned to communities, diminishing the value of the skills painstakingly developed and dampening the prospect for reform.

The Murdi Paaki COAG Trial

At a Special Premiers' Conference held in October 1990, heads of governments called for a report on the means of achieving greater co-ordination of the delivery of programs and services by all levels of government to Indigenous Australians. In December 1992, COAG endorsed the multilateral *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders*. A decade on,

despite the early promise of ATSIC as providing the impetus for co-ordination prior to the gradual stripping away of its portfolio responsibilities, governments were searching for a workable approach which would break down the silos between government bodies and devise new ways of centring community within the service delivery landscape. The Murdi Paaki COAG Trial was one of eight trials carried out across Australia between 2003 and 2007 to explore new ways for governments to work together and with communities to address the community needs. The trial objectives, overall, focussed predominantly, for governments, on finding innovative ways of working which resulted in tailored, co-ordinated, responsive, accountable place-based service delivery to communities and, for communities, of enhancing capacity to negotiate as 'genuine partners with government' ⁴⁴. The COAG Trial was formatively evaluated in 2006 by Urbis Keys Young, and a synopsis review of all eight trial evaluations was prepared later that year by Morgan Disney and Associates ⁴⁵.

In essence, the COAG Trial partnership envisaged governments working together with the Region, sharing responsibility for finding solutions to the disadvantage being experienced by Aboriginal people living in western NSW. The Australian Government Department of Education, Science and Training (DEST) and the NSW Department of Education and Training (DET) were nominated as lead agencies at Commonwealth and State levels, respectively. This was a departure from a conventional approach which might have placed Australian Government Office of Indigenous Policy Co-ordination and DAA in the co-ordination roles; DEST and DET had resources and authority which far outstripped those of the designated Aboriginal Affairs agencies. Both governments worked in collaboration, led by the COAG Trial Action Team, which established a visible presence in the Region to work alongside communities in a capacity and relationship building phase, and internally to coordinate government service delivery. The role of the Action Team – the 'faces of government' who were consistently available and in attendance at Regional Council and CWP meetings – was central to progress, to building relationships and to developing trust. It was acknowledged that Murdi Paaki was regarded as the most advanced COAG Trial site of all sites in terms of community capacity and governance and so the Action Team had a solid foundation on which to build.

The evaluators of the Murdi Paaki COAG Trial noted that membership of the CWPs was 'refreshed' at the commencement of the COAG Trial to ensure that Community Working Party memberships were representative and inclusive and to account for their 'responsibilities for dealing with a wide range of issues' ⁴⁶; however, at least some CWPs were exercising a governance function in relation to a wide variety of human services well before that (for instance, with the Namatjira CWP in Dareton successfully advocating for an Aboriginal Night Patrol in the late 1990s and the Wilcannia CWP engaging with human services agencies around a wide range of issues). The CWPs in the Murdi Paaki Region had not been constituted passively in response to a whole-of-governments policy agenda; they had autonomously developed an appetite for governance across the gamut of issues their communities contend with. They were thus ideally situated to take on strategic activity at a community level in a cross-portfolio context; however, they were also well placed to feel a keen sense of frustration should the promise of the Trial not be fulfilled in the delivery.

In the Murdi Paaki Region, the predominant process for engagement at a community level was through the preparation of the Community Action Plans (CAPs) by CWPs, each supported by a consultant planner. The evaluation indicated these were regarded by community as 'an accurate reflection of community sentiment'. Engagement for these would have been predominantly between the community and the consultants who prepared the CAPs: this process 'contributed to the level of cohesion and goodwill in individual communities'. '...[T]he CAP process was regarded in a positive light by the majority of stakeholders.' The evaluation established that CWPs were contributing to flow of information within community, fostering better links and greater co-operation among community organisations, acting as an avenue for contact and communication among groups, and building an increased level of community consensus. The fact that the CWPs did not control funds, and their retention of an unincorporated status, meant that they were less likely to be seen as competition by incorporated organisations. However, despite the inclusion of training as a Trial element aimed at developing members' skills in governance and negotiation techniques; difficulties arose for the CWPs as a consequence of inconsistent engagement and responsiveness among government agencies, insufficient direction as to CWP roles and processes in the Trial, and the excess burden on volunteer CWP chairs. The process of negotiating Shared Responsibility Agreements (SRAs) at a community level which formed part of the business of the Trial was also frustrating for CWPs: delays were experienced in negotiating and finalising agreements and there was uncertainty and disagreement over the types of content which might be appropriate for a SRA.⁴⁷

The extent to which government really did respond to community priorities is questionable. The evaluation indicates frustration at community level over the slow rate of progress and perceptions of lack of improvement in service delivery. Community frustration centred on the slow speed at which the Trial progressed, although in part this was due to delays in communities completing their Community Action Plans, and a perceived lack of improvement in service delivery resulting from the initiative. However, the evaluation noted:

'The governance capacity of communities has improved, and many communities appear better able to articulate their priorities to government in constructive fashion.'

Government departments, on the other hand displayed a lack of readiness to work together and some difficulty in communicating with communities. The report also commented:

'The challenges that the Trial were designed to address were and are complex and long-term, and that the commitments of community and government to achieving the Trial's objectives need to be sustained.'

On the whole, the trial findings point to frustration over the slow progress of the Trial and lack of improvement in Government service delivery, coupled with limitations on capacity for co-ordination, but coupled with enhanced governance capacity at a community level.⁴⁸

Although frustration was experienced at CWP level, the COAG Trial period was one of high levels of productivity and engagement at community level. At Trial commencement the resourcing gap between community and governments emerged as a barrier preventing

communities from engaging and negotiating on an equal footing with governments; there was not sufficient high-level capacity in communities to effectively communicate community aspirations. Communities were not funded to fulfill the liaison, planning and decision-making functions required of them to make the Trial a worthwhile exercise. Recognising this to be an impediment to progress, governments rolled out the Murdi Paaki Partnership Project (MPPP) through which the sixteen Community Working Parties were assisted by eight Community Facilitators, one for every two CWP, engaged to act in an advocacy role. Smaller communities now felt that their voices were as important as those of larger, better resourced communities and CWPs in Enngonia, Ivanhoe and Weilmoringle, for example, could promote their strategic interests on an equal footing.

The power imbalance caused by inequitable resourcing had been a pressing issue for the Region since the early days of the Regional Councils and, apart from the period of heady days of HIPP, Community Working Party volunteer chairpersons had had to make the best they could of the scant resources available locally. For the first time, secretariat support was forthcoming for the routine business of running a community governance body: preparation of business papers and correspondence, actioning decisions, organising meeting venues and related tasks. Secretariats were to be staffed by local Aboriginal people and training was on offer to build capacity to carry out administrative duties effectively. Primary funding of the position was provided through the Community Development Employment Projects (CDEP).

Continuity and change: the rise of the Assembly, the end of ATSIC and the latter days of the COAG Trial

One insightful proposal which had flowed from the extensive process of research and development around frameworks for and transition to regional autonomy between 1999 and 2003 was to provide the Region with a forum in which the sixteen CWP chairpersons or their delegates could contribute to governance at a regional scale. The concept envisaged setting up a Regional Assembly to function in parallel with the Regional Council to advise on community matters. Seats on the Assembly would be filled by the democratic process at local level and, in this way, communities would have a mechanism for raising issues of community interest into regional decision-making. Community Working Parties would thus be formally integrated as the foundation of the evolved governance arrangements and drivers of reform.

Local structures and ways of doing business were to remain a matter for communities themselves; there was to be no prescription from Regional Council in this regard other than each Community Working Party should be able to demonstrate community support. This was originally seen as the first step in a staged progress of moving towards regional autonomy, with a Community Council ultimately to be elected in each of the larger communities, and representation by CWPs in smaller ones. It was planned that the Assembly would act in a negotiating and co-ordination role in the interests of communities. Because of the requirements of the ATSIC Act, Regional Council would continue to be elected under the

existing ward system but Regional Assembly would function as an advisory committee under S.96 of the Act.

In April 2003, the then Minister for Indigenous Affairs, Philip Ruddock, announced the abolition of the administrative arm of ATSIC, and its replacement with a new executive agency, Aboriginal and Torres Strait Islander Services (ATSIS), to administer ATSIC's services and control the allocation of funding to Aboriginal organisations. The Australian Government Office of Indigenous Policy Coordination (OIPC) and Indigenous Coordination Centres (ICCs) were established in July 2004 with the remit in the Murdi Paaki Region, among other things, of:

- Developing new ways of engaging directly with Aboriginal people at the regional and local level to customise and shape Government interventions, including through Regional Partnership Agreements and Shared Responsibility Agreements; and
- Brokering relations with the NSW Government on issues affecting Aboriginal communities.

Regional Council thus sought funding from ATSIS to establish the Assembly as a step towards attaining Regional Authority status, but ATSIS would only allocate funds for planning, so Regional Council instead obtained funding to create the Murdi Paaki Planning Forum. Once the Forum was established, in April 2004, it was re-named Murdi Paaki Regional Assembly. As planned, the Assembly would act in a negotiating and co-ordination role in the interests of communities. The proposal saw that Regional Assembly would meet twice a year to offer advice to Regional Council on the full range of issues which communities confronted and propose solutions; in turn, Regional Council would report on its activities, programmes and achievements. The arrangements opened a direct chain of communication from the broader community constituency to the elected arm and thus created a culturally and politically legitimate form of governance for the Murdi Paaki Region. The Regional Assembly structure was accepted across the Region because of the equity it brought. Smaller communities were accorded voting power and equal authority and became empowered as a result.

The structure provided for direct representation for all but the tiniest communities – those such as Tibooburra, Wanaaring and Euston which had only a few Aboriginal residents. The very small communities were able to join their voices to those of the closest community which had a CWP – for instance, in the case of the Sunraysia communities of Buronga and Euston, to the Wentworth/Dareton CWP. This representative structure was a closer cultural fit to traditional practices than the democratically elected ATSIC Regional Council model.

Regional Council, aware that radical structural change to the Indigenous affairs administration landscape was in the wind, expressed its aspirations for a future regime:

The proper coordination and integration of services to meet our needs on terms decided by and accountable to us should be a top priority of a government concerned with outcomes. It

does not involve throwing out the old and creating something new. It is about recognising what we already have and building on it.⁴⁹

In the meantime, Regional Council continued to argue its case for regional autonomy through the Senate Select Committee Inquiry on the Administration of Indigenous Affairs, while acknowledging that it was now probably a lost cause:

The reality we face is that the government has already proceeded to implement the new arrangements by restructuring the machinery of government, appropriating all program funding to mainstream agencies, and transferring the administrative capacity of Regional Councils to Indigenous Coordination Centres as outposts of government departments. Confronted with that reality, and based on our experience in the Murdi Paaki Region, our aim is to ensure that the new regime of mainstreaming and connecting government delivers sustainable long-term benefits. The dilemma we face in seeking to retain a legislative framework is that the new arrangements are built on a false perception that representation of Aboriginal and Torres Strait Islander people has failed.⁵⁰

Nevertheless, Regional Council had made an impact with its submission, the National Indigenous Times reporting that 'the Murdi Paaki Regional Council had built up regional Aboriginal governance arrangements over the past decade which served as a model both in Australia and overseas.' It was, however, in vain, in that the Australian Government had already decided to defund Regional Councils in preference to working with other community organisations, communities and local families, irrespective of such a policy being clearly divisive. Representative and advisory bodies were, in the eyes of Government, a road block; a view diametrically opposed to the advice of Regional Council:

The Murdi Paaki experience demonstrates that the best way to connect government service delivery for Aboriginal and Torres Strait Islander people is through institutions of Indigenous representation, advocacy and participation which have legislative endorsement and accountability. Regional and community governance are the leadership tools that return responsibility to us, lift us out of the poverty trap and break the generational cycle that has handed down a legacy of social dysfunction.⁵¹

ATSIC was abolished at midnight on 24th March 2005. On 30th June the Regional Councils, too, ceased to exist. In the final annual report for the Murdi Paaki Regional Council, Chairperson Sam Jeffries, summed up the results of this chapter of regional leadership:

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 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.⁵²

The Murdi Paaki Regional Council handed the reins to the Murdi Paaki Regional Assembly at the beginning of July 2005. Institutional architecture, leadership and priority action areas remained much as before, the major change seeing Community Working Parties now firmly entrenched as leaders of community. At this point, the COAG Trial still had about two years to run. Councillors had refused to accept that the abolition of ATSIC meant an end to

representative governance and felt compelled to maintain a collective advocacy presence; without a form of effective advocacy, the Aboriginal people of the Murdi Paaki Region recognised that their contribution to the improvement of their circumstances would be severely limited. Regional Assembly retained the full confidence of, and implied authority from, the Aboriginal people of the Region. Regional Council Chairperson Sam Jeffries transitioned to the Assembly Chairperson role with the support of the CWP chairpersons. The fledgling Regional Assembly, like its predecessor Regional Council, decided against incorporation, preferring to retain a culturally traditional form of coming together, and declined accepting financial transactions. The non-incorporated status of the Assembly also reflected the insight gained from the demise of ATSIC: the new representative body would never be abolished by the Parliament, or be placed in administration. The arrangements would be regulated by the CWPs themselves, acting through the Assembly.

A major ongoing challenge for Regional Council in the build-up to the abolition of ATSIC had been anticipating changes in the Australian and NSW Governments' policy and practice in respect of Aboriginal affairs and positioning itself to make the most of the opportunities that presented. Because the Region was only one, albeit leading, element of a national framework of Aboriginal representation, advocacy for a progressive transition to greater regional autonomy had had to be conducted against a broader backdrop of political caution about potential outcomes and, ultimately, the decline in the authority of ATSIC. Inability to achieve Regional Authority status has been an enduring disappointment to the Region and the decline of ATSIC marked a watershed for Aboriginal community-led governance in the Region.

Securing a place in the new Indigenous affairs landscape

The focus of the Australian Government's new arrangements would be on direct engagement with communities, families and individuals and responsibility for programme funding was restored to mainstream government agencies. Government would no longer have to engage with community brokers such as ATSIC and Regional Councils. The new policy environment marked a return of the 'doing for' approach by governments.

Coming on the back of a review recommending that ATSIC be maintained and reformed as a representative structure and that Regional Councils be strengthened, Regional Council could not have anticipated such an unexpected reversal of policy and vigorously contested the explanation put forward by Prime Minister Hon. John Howard, which overrode the position of the Minister for Immigration and Multicultural and Indigenous Affairs, that: '*We [Government] believe very strongly that the experiment in separate representation, elected representation, for indigenous people has been a failure.*' In an address to the National Press Club, Minister Vanstone elaborated:

Indigenous Australians, as individuals, in their families and communities can only be said to have a real voice when governments actually listen directly to them. Over the last forty years intermediaries in various guises have been created to speak on behalf of Indigenous communities. ATSIC was the last of these creations. A non-Indigenous construct designed to satisfy the rest of us that Indigenous Australians had a voice. The problem was that's not the

voice Indigenous Australians were choosing to use. Eighty per cent of those entitled to vote didn't think it was worth it. That's not surprising. It wasn't an Indigenous construct. ... They (Indigenous people) haven't been shown the respect of being given the opportunity to identify their problems, to have a hand in shaping the solutions nor making a contribution to the outcome. In other words, to chart their own way forward.⁵³

The Government had also perceived ATSIC as promoting 'a rights agenda' and focussing on what it saw as an excessive degree on symbolism as opposed to practical outcomes.

For the communities' part, one of the most challenging aspects of the abolition of ATSIC was the withdrawal of community controlled CDEP organisations from communities, and the transfer of CDEP's employment function to centralised organisations, often based outside the Region and not necessarily Aboriginal community controlled. Rather than simply withdrawing the programme, the Australian Government wound up CDEP organisations and confiscated and sold their assets; chiefly buildings, vehicles and equipment. Thus the communities lost some of their most highly valued resources and, co-incidentally, an ability to care for the local environment. This sequence of events has resulted in lasting resentment.

As new arrangements loomed, Regional Council sought to have the Regional Assembly recognised as the peak representative body for the Region once ATSIC was abolished. As a result of Regional Council's persistent advocacy and promotion of its successful community-led governance model, then-Indigenous Affairs Minister Amanda Vanstone indicated her agreement to amendment of the existing 2003 SRA, which established the COAG Trial, to permit Regional Assembly to take the place of the former Regional Council. On 1st August 2005, one month after the abolition of the Regional Council, the Australian and NSW Governments and the Murdi Paaki Regional Assembly signed a new SRA recognising the Assembly and the CWP's as the peak representative bodies for Aboriginal people in the Region, vesting in the Assembly an on-going role in coordinating government services to Aboriginal people in the Region. Thus, the Assembly slipped seamlessly into the role formerly occupied by Murdi Paaki Regional Council, with Sam Jeffries continuing as Chairperson. However, it no longer enjoyed the legislated arrangements for administrative support previously provided to Regional Council by the ATSIC administrative arm prior to changes to administrative arrangements in Indigenous affairs. The signing signalled the start of the next phase in the relationship between governments and the Region, a phase which required elected representative bodies to supplant the previous statutory entities. Prime Minister Howard said of the abolition of Regional Councils:

... does not in any way preclude processes whereby Indigenous people themselves will in different areas, according to their own priorities, elect bodies and people to represent them, and the Government will in the course of consulting different sections of the community, be very keen to consult any bodies that may emerge from that process.⁵⁴

At the same time, Australian Government policy shifted from a commitment to working with collective community or regional structures in which Aboriginal people exercised active citizenship, to working with individuals and families as 'clients'. Such an approach effectively ignored the legitimacy of the Assembly as an outgrowth of demand within communities for

regional representation, and cast Aboriginal people in the role of passive consumers of services. The discourse around Indigenous Affairs policy was, in general, deficit oriented. The Regional Council and Assembly, in contrast, were always, people-centred, rather than issues-centred.

In the first year of the MPRA's operations, delegates were asked for their views of the new structure, and responded with optimism and a keen appreciation of the opportunities for representation it brought, as well as a sense of urgency around relationships with governments. Councillor Ron Mason commented:

It is a new way of doing business, and I think it needs more input from Aboriginal people and Aboriginal communities, and this is a great way to achieve these sort of goals that we want to achieve. I think the Regional Assembly is going to be a vital organisation in the Region. It gives us a foot in the door to the government, and once we get that foot in we are going to talk and achieve and negotiate more for the Aboriginal people and Aboriginal communities and I think that is the main aim because I think the better the life for Aboriginal people in health, education, and all those sort of things that need to be uplifted in the Aboriginal community.

Former Regional Council Chairperson William Johnstone asserted the benefits for governments in responding to the new framework for governance:

Government will have to take notice of the Assembly; it's been something in the making for 15 years now, it didn't come with yesterday's rain, they need to take the lead from the strategies the Assembly has developed. That will make their life a lot easier. If they go outside the Assembly structure they will continue to be frustrated to deliver government policies, but government policies themselves also have to change to suit the needs of the Region.

One policy that had not changed and continued to be non-negotiable for governments was some form of legal standing for the Assembly as a peak representative regional Aboriginal institution with power, authority and longevity. The aspiration for autonomy remained as elusive as ever.

Sam Jeffries, Chairperson of the Murdi Paaki Regional Assembly, reflected:

The lessons of the past remind us that there is more than good governance to shaping our future. We must not lose our self-determination, we must re-discover our commitment, and be unwavering in our efforts to build a better future. We can't sit back and wait for government to do something for us.⁵⁵

In 2006, the Assembly documented its Charter of Governance, as an element of the COAG Trial, to clearly articulate its internal culturally informed relationships and processes and how the Assembly and communities would relate to governments in the delivery of services and programmes. At the regional scale, the value of the *Charter of Governance* has endured. The *Charter* makes the point that engagement with elected community representatives is seen as a link between governance and service delivery, and made explicit the connection between relationships, partnership and participation. It positions MPRA as a 'gateway and checkpoint'⁵⁶. Although the *Charter of Governance* is very COAG-focussed, it does articulate the role of MPRA as 'peak body and primary point of contact – a role later

embodied in the MPRA's Engagement Protocols. In compiling the objectives of the *Charter*, the Assembly fused in important elements of good governance: participation, transparency and accountability. The rights of communities to a legitimate representative structure, to make decisions about their own development, to take responsibility and to be supported to do so were strongly emphasised; but so were the benefits to governments in having access to a representative structure to support sound investment in community. The focus was on achieving wellbeing at individual, family, clan and community scales and on an accountability framework to ensure that outcomes in this regard were being achieved.

The focus of the SRA which established the COAG Trial was on regional priorities against which governments and other service providers could align service delivery. Negotiated priority action areas centred on improving life outcomes and community capacity building through a focus on the health, wellbeing and education of children, young people and their families, and on strengthening community and regional governance structures. Among the objectives of the SRA was an undertaking to evaluate outcomes so that lessons learned could be applied to future initiatives. In implementing the Trial, governments acknowledged the silo mentality as a barrier to efficient service delivery and a need to better coordinate activities across all levels and tiers in conjunction with communities. The strategic emphasis of the Assembly, for its part, remained largely unchanged from the early days of Murdi Paaki Regional Council. Primary effort still concentrated on providing the leadership required to bring about improvement in the cultural, social and economic circumstances of Aboriginal and Torres Strait Islander individuals and communities through outcomes-focussed delivery of evidence-based, prioritised, inter-dependent, community-initiated actions. An intention to co-operate with and co-ordinate the activities of Commonwealth, State and local governments which engaged with Aboriginal people living in the Region was clearly articulated but the Assembly were eager that any partnerships incorporate the practical application of cultural safety.

The COAG Trial had encouraged greater and more direct participation and communication between community and government around a strategic agenda. The CAPs, with their priorities ranging across the whole spectrum of action areas, formed the basis in 2006 for an updated Murdi Paaki Regional Plan, prepared by the Assembly to document the strategic pathway to improvement in the economic, social and cultural circumstances of communities. In reality, little had changed in the lives of Aboriginal people since the first Regional Plan ten years earlier. Housing, health, employment and education still featured as high priorities for communities.

The evaluation conducted in 2006, towards the end of the Trial, demonstrated that positive structural change could occur if there was a strong working relationship with governments. It had been intended to undertake a summative evaluation of outcomes of the Trials in 2007-2008 but this did not occur, and the Murdi Paaki COAG Trial simply lapsed in 2007 without any co-ordination and engagement structure having been put in place to ensure a seamless transition⁵⁷. Former MPRA Chairperson Sam Jeffries expressed regret that, even though later agreements followed logically from the COAG Trial, the lessons learned by governments

about co-ordination and engagement and, particularly, about the need to resource community governance, did not continue to inform government practice after the Trial:

As soon as the Trial ended, government disappeared ... we never reached the high water mark again; smaller communities have never felt so engaged again.⁵⁸

He attributed the success of the Trial, in large measure, to having agencies with resources and capacity (the Australian Government Department of Education, Science and Training and the NSW Department of Education and Training) as lead agencies, rather than DAA and the Australian Government Office of Indigenous Policy Co-ordination.

6. The Murdi Paaki Regional Assembly

The COAG Trial legacy and the new arrangements

Assessing and enhancing the legacy value to Aboriginal people of government initiatives such as the COAG Trial presented a dilemma for successive governments. It also posed a challenge for the Assembly. With its legitimate and strengthened structures of representation and engagement now firmly in place, how would relationships with government be sustained in a meaningful way without the resources, focus and energy that came with the Trial? The answer came in 2007 in the form of the Government's declaration of a 'national emergency' in the Northern Territory in response to reported child abuse in Aboriginal communities. This act radically shifted relations between the Government and Aboriginal and Torres Strait Islander people. The Northern Territory intervention was described as a policy revolution which marked a complete break with past concepts of engagement. It reset relationships in the Murdi Paaki Region. The post-ATSIC mainstreaming of Australian Government services was now at the direction and control of the Minister Families and Community Services and Indigenous Affairs. The Australian Government had usurped the States and Territories in service delivery in some measure. In the view of the Minister, as the focus moved from community development to welfare reform:

The Government believes that the right to welfare comes with obligations. It is only reasonable to expect those who receive this support to meet some basic obligations to society in return. Over the last decade, the Howard Government has moved to tackle the scourge of passive welfare and to reinforce responsible behaviour through the establishment of our mutual obligation framework. We have strengthened the important principle that those on welfare who can work should seek work, and asked those receiving welfare for longer periods to reengage through Work for the Dole.

The policy aimed to promote:

... socially responsible behaviour aimed at protecting and nurturing the children in our society and offering them the opportunities that a supportive family, a solid education and a healthy and safe environment can provide.⁵⁹

The Assembly realised that it would have to re-build from the bottom up in an environment which had soured and in which the thrust of the new policy had moved from the Aboriginal community as a whole to the individual and family; the Minister arguing that:

The much misunderstood concept of collective self determination and separateness meant to help Indigenous Australians lead independent lives has in fact for many achieved the opposite. Local people have been disempowered. ATSIC was not the answer despite the good intentions of those that worked within it. Now it has gone, we can move on.⁶⁰

The primary policy objective had become safer communities, in the belief that communities had deep-seated social problems. Practical application of the policy would involve a series of interventions aimed at community capacity building and improving government services. The Australian Government imagined implementation of interventions in the Murdi Paaki

Region to be managed in conjunction with the NSW Government. On the basis of its own observations and experiences, the Assembly considered the new policy direction to be at odds with the aim of achieving improvement in the wellbeing of Aboriginal communities:

We have yet to see what difference the arrangements have made to our lives, differences that might not otherwise have been achieved or were in the making, or which otherwise could have been made and which are now being portrayed as 'successes' of the new arrangements.⁶¹

Further, Sam Jeffries highlighted three features of the former ATSIC legislation that he considered crucial to Aboriginal empowerment that were missing from the new policy arrangements:

- Elected national and regional leadership by Aboriginal and Torres Strait Islander people;
- A consistent enabling legislative framework to underpin that leadership with authority to deal in matters important to them; and
- Effective governance arrangements involving full participation in decision-making by those for whom government programs and services were being provided.⁶²

Without such elements, inequality and disadvantage experienced by Aboriginal and Torres Strait Islander people would only be compounded.

In the eyes of the Assembly, the policy was ideology-driven and a poor model of public investment. The way forward was to acknowledge the role of good governance at regional and community level in connecting community with governments and in improving efficiencies in service delivery. Tackling the legacy of disadvantage was a complex, multi-faceted challenge which would take time to address and the Assembly was firmly of the view that the Region should not have to experience another generational change before it achieved equivalence in government service provision.

A major issue was the readiness of government departments to respond to the new policy cohesively and consistently to make a difference. The experience of the Assembly was that departments were not well aligned in their thinking on co-ordinated service delivery and had difficulty in communicating with one another as well as with communities. It was questionable, then, to what performance standards accountability was to be measured. The net result of this approach was a number of single issue SRAs where the Region and/or communities, after protracted negotiation, accepted the attaching mutual obligation, most often in the form of behavioural change, in return for a discretionary benefit from government. For the Region, SRAs had become 'the no school, no pool' policy solely designed to meet the administrative objectives of government based on one-off funding agreements.⁶³

From its experience with working with governments under the rubric of the new policy, the Assembly identified a number of lessons learned:

- Community governance structures and processes need some capability building and some resourcing of the participants if communities are to engage effectively;
- Using existing structures where these are working and building on existing strengths will foster trust and respect between governments and communities and is more likely to be an element of a successful community engagement strategy;
- Most of the community partners are quite capable of engaging with joint government processes and could do even more if they are well supported;
- The importance of leadership by both government and Indigenous leaders was a significant lesson; and
- From a government perspective, the leadership provided by Indigenous communities was an important part of engaging differently.⁶⁴

Undaunted by past unsuccessful efforts, the Assembly continued to press a case with the Australian Government for an improved strategic focus and logic to its blueprint, and greater clarity around the relationship with Aboriginal Australia, all the while remaining staunchly committed to statutory involvement of Aboriginal and Torres Strait Islander people in government decision-making. The Assembly's concept was for an Indigenous Services and Performance Commission to provide a centre of policy development for mainstream departments responsible for delivering services to Aboriginal and Torres Strait Islander people. This was not the Regional Authority model the Assembly aspired to in the ATSIC days but a workable arrangement under and pragmatic response to the new policy.

The Murdi Paaki Regional Partnership Agreement

Following the conclusion of the COAG Trial, Shared Responsibility Agreements at a regional scale were replaced by Regional Partnership Agreements (RPAs). Despite the fact that government and the community had entered into a number of SRAs, only one Regional Partnership Agreement was ever signed because, in the view of the Assembly, effort on the part of government was concentrated on SRAs to ensure internal performance targets were being met.

Negotiating RPAs, which promoted coordination, dealt with overlaps and gaps in government services and programmes, and aimed to meet regional needs and priorities, was an intensive and demanding process. The three year Murdi Paaki Regional Partnership Agreement, signed in January 2009, was two years in negotiation. It committed the MPRA and the Commonwealth and NSW Governments to working towards three primary objectives: specific actions and commitments devised to attain COAG Closing the Gap targets; collaboration to deliver the objectives of the COAG Reform Agenda and the NSW State Plan priorities; and, through a series of subgroups, to make plans to achieve the objectives of the partnership. While the RPA itself addressed principles, objectives, outcomes, governance structures, performance measures and dispute resolution procedures relating to the tripartite partnership, the substantive areas for action were defined in a series of six schedules to the agreement. These related to: leadership and governance; education; economic development and employment; housing and development; community health

and safety; and local government engagement. Delivery, monitoring and evaluation of the RPA was to be the role of a Regional Engagement Group (REG), supported by five sub-groups with specific portfolio responsibilities. The REG, established prior to the RPA under the NSW Government's Two Ways Together policy, comprised representatives of MPRA and the Australian and NSW Governments.

One strand of the RPA committed the Region to further building leadership and facilitating Community Working Party activity, development of projects derived from the Murdi Paaki Aboriginal Young Leaders Programme (later MPAYELA), strategic planning and regular updating of the Murdi Paaki Regional Plan, roll-out of some Community Working Party projects and administration support for the Murdi Paaki Regional Assembly. The RPA was underpinned by the COAG Agenda on Indigenous Reform, the Closing the Gap strategy and the NSW Aboriginal Affairs Plan, Two Ways Together, 2003-2012. Minister Macklin lauded the agreement:

....a landmark agreement – the first Regional Partnership Agreement to be signed in NSW. A blueprint for a new era of economic self-reliance and independence. Reaching out to Murdi Paaki communities stretching across western NSW with better co-ordinated services delivered where they are needed and government investment to sustain development. ⁶⁵

A formative evaluation of the RPA was conducted at the half-way point, in mid-2010. The evaluation established that implementation of the RPA to date was meeting with mixed success. While specific actions and commitments aimed at attainment of the COAG Closing the Gap targets were being implemented, and new strategies and programmes were being delivered in the Region, the creation of a structured approach based upon co-operative working arrangements between governments and communities had been less successful. The partnership between the MPRA and the Australian and NSW Governments was to underpin delivery of the RPA and to provide continuity of collaboration following from the COAG Trial (notwithstanding a considerable time lapse between conclusion of the Trial and commencement of the RPA). The review found that, conversely, the governance structures identified in the RPA were failing to fulfil the roles documented for them. The REG was experiencing difficulty engaging line agencies, ensuring that portfolio sub-groups delivered, and even obtaining access to evidence to support decision-making and accountability processes. MPRA was fearful that the RPA was losing momentum, and expressed concern about the nature of the partnership. The review recommended, among other things, that an effective, evidence-based communications strategy be developed; that the MPRA be adequately resourced to undertake its governance role; and that structure, roles, responsibilities and accountability measures for the REG be revisited ⁶⁶.

One issue of particular concern which arose in the context of the RPA review was that policies and strategies were being developed and implemented by governments outside of the RPA process. From 2009 onwards, an unrelated partnership initiative ran in parallel with the RPA in two Murdi Paaki communities, but this was one from which MPRA was excluded. The National Partnership on Remote Service Delivery (RSD) focussed on 29 remote Indigenous communities across New South Wales, Queensland, South Australia, Western Australia and the

Northern Territory. A partnership between the Australian and relevant state and territory governments, its objectives were similar to those of the Murdi Paaki RPA, namely to:

- Improve access to services;
- Improve the range and quality of services available;
- Improve governance and leadership within communities;
- Increase economic and social participation and promote personal responsibility, through integrated service planning, creating a single government interface and various other means, under the ultimate direction of the Coordinator General for Remote Service Delivery ⁶⁷.

Wilcannia and Walgett, in the Region, were two of the RSD communities. The logic for including two communities which were, at the same time, part of the RPA process can only be guessed at. Unfortunately, the RSD leadership completely ignored existing governance structures within the Region, bypassed MPRA and the two CWPs completely, and took its business directly to local government. Johnstone's review of the RPA noted that new policies and strategies were being developed and implemented outside of the RPA framework, and commented that while it may have been desirable to link these to the RPA, different policy drivers, timeframes and decision-making processes made this challenging. The RPA Assessment Report indicated, for example, that any opportunity for integration of the RSD projects with the RPA was superseded by events, with RSD strategies for the two communities finalised before RPA schedules could be prepared. Stewart and Jarvie observed, in the context of a critique of the impediments to policy learning:

... it is difficult to see COAG trial learnings in other subsequent COAG initiatives. For example, the agreement reached in 2008 on remote service delivery (RSD) under the new Commonwealth Labor government, eschewed the work partnership and aimed at ensuring services in remote areas were the same as those available in urban areas rather than negotiating priorities with Aboriginal communities. ⁶⁸

The situation in the Murdi Paaki Region was further confounded by the NSW Government's introduction in 2012 of Connected Communities, an initiative led through schools in the Region and elsewhere, intended to address the educational and social aspirations of young Aboriginal people through the creation of 'community hubs' within schools. Eight schools across six of the sixteen communities in the Region are part of this initiative. Refusal on the part of Connected Communities to engage with the MPRA has been a source of frustration for the Assembly. Whereas RSD has concluded, Connected Communities is ongoing but there has been no attempt to embrace the policy in agreement-making between the Assembly and the NSW Government.

At the expiry of the RPA in 2012, a second RPA was negotiated. This Agreement was to be in place for a further three-year period (2013 to 2015) but, with change in the Australian Government shortly before the RPA was to be executed, and with the NSW Government refocussing the State strategic agenda through the OCHRE Strategy, RPAs were abandoned. Since the conclusion of the second RPA, no further formal relationship-building has taken place, and the Assembly's formal relationship with the Australian Government has been

largely transactional, undertaken via contracts for funding provided to organisations in the Region.

Following the conclusion of the 2009 RPA, formal arrangements between the Australian Government and the Assembly lapsed, and funding to conduct business ceased for a period of twelve months. Until a single line budget could be negotiated with the Australian Government, the Assembly was kept afloat with contributions from its regional organisations. While Assembly delegates are not, and never have been paid, there are still substantial costs associated with convening and recording four three-day Assembly meetings per year. During this period, the Assembly Chair was released by his employer to fulfil his functions as part of his employment; Maari Ma contributed secretariat services, and Assembly delegates covered their own costs as far as possible.

The Assembly's ability to maintain a working relationship with the Australian Government was impaired by closure in 2008 of the Bourke Indigenous Coordination Centre Regional and relocation of staff to Dubbo. This resulted in the transference of government decision-making to outside the Region, a weakening of relationships, dilution of focus, and loss of corporate memory. At its peak, ATSIC's staff complement servicing the Region from within the Region numbered up to 26 officers. All that remains of the interface is a small staff complement of NSW Aboriginal Affairs officers, in Bourke and Broken Hill. The absence of a regional presence by successive Australian Government Indigenous Affairs agencies has continued to result in sub-optimal relationships with the Assembly, as well as impacting governments' ability to co-ordinate service delivery, and de-centring the locus of decision-making.

The Local Decision Making Accord

The NSW Government's OCHRE Strategy for Aboriginal Affairs (OCHRE for *Opportunity, Choice, Healing, Responsibility, Empowerment*) was adopted in 2013 following a process of consultation by the Ministerial Taskforce on Aboriginal Affairs. The most recent partnership initiatives involving MPRA and the NSW Government have taken place, and are continuing to do so, under this strategy. The first Murdi Paaki Local Decision Making Accord was executed on 19th February 2015 by MPRA and the NSW Government. The Accord recognised the MPRA as a legitimate regional Aboriginal governance body, and defined roles; decision-making processes; monitoring, performance measurement and evaluation provisions; and dispute resolution processes. Objectives and outcomes focussed on key areas of affordable and appropriate housing, economic development, education, early childhood services, and governance capacity and support. A series of deferred priority areas were also documented in the Accord: domestic, family and lateral violence; child safety; Aboriginal incarceration rates and interaction with the justice system; and cultural and language development ⁶⁹.

Negotiation of the Accord entailed a three-stage process defined by the NSW Government: a pre-negotiation phase ran from February to July 2014; the negotiation phase, from August to mid-October 2014; and the signing phase, from October 2014 to February 2015. Subsequent evaluation of the negotiation process identified a number of success factors: the

strong leadership of the MPRA; the time and resources allocated to the priorities; the engagement of an independent facilitator to assist negotiations; the attributes of the lead government negotiator; the fact that both the MPRA negotiating panel and the NSW government agency representatives at the table had decision-making delegation; and the facilitation support provided by NSW Aboriginal Affairs. The evaluation did, however, also identify shortcomings. These included the need for additional resourcing of government inputs into the negotiation process; early engagement of senior government representatives; a more innovative approach within government to development of solutions which represent significant and strategic change in the way government does business, supported by adequate resources; and more clarity around roles of negotiating parties, including access to independent advice.

Overall, participants felt positive about the process and the attitudes of those involved, and valued the relationship-building which emerged from the process; however, as with earlier initiatives, a minority of agency representatives were felt to be disengaged from the process. There was also concern that the Accord represented a missed opportunity in that it did not include significant strategic innovation in government service delivery⁷⁰. From MPRA's perspective, notwithstanding the strengths of the engagement process, the evidence is that there is still work to do; most notably, to have government understand that locally evolved governance structures are not available for governments to co-opt to preconceived frameworks or to political ideologies.

Early in the LDM Accord, then MPRA Chairperson Sam Jeffries was optimistic about the ability of the Accord to provide the opportunity to recover ground lost after the COAG Trial, when governments reverted, more or less, to business as usual:

'You reclaim aspects of it with individual agencies – we're reclaiming space at the moment with the Accord. The State Government helped ... by making super-agencies – we're able to partner further up the ladder.'⁷¹

Sam Jeffries, former MPRA Independent Chairperson

Sam Jeffries saw one of the factors for success as a focus on the relationship between communities and government service providers which bypassed special interest groups. It represented a 'clean slate for Aboriginal people **and** agencies'. Under the new relationship, with decision-makers at the table, he aspired to convince partners of the value of engagement beyond service delivery, to have agencies embrace opportunities beyond traditional core business, and to engage partners in supporting decision-making to a 20 year horizon, underpinned by analysis of long-term demographic and economic trends. However, subsequent experience has shown it to be beyond the capability of the Assembly's government partners to live up to these aspirations.

The first Accord expired in 2018. The *Review of the Murdi Paaki Regional Assembly Accord* report indicated that progress in achieving objectives and outcomes was poor. Of the 70 agreed deliverable actions, 40% had been closed or achieved; 40% had been commenced, with the remaining 20% in the planning stage or not commenced by the conclusion of the

agreement. Particularly concerning was the inability of the Accord lead agency, again, to secure a co-ordinated response from within government. The review concluded there to be no sense of urgency, and no real commitment over the life of the Accord to anything other than 'business as usual'. Notwithstanding commentary on relative resource inequality between Government and MPRA negotiators, little in the way of real resources was committed by the NSW Government over the life of the Accord to support MPRA and CWP operational capacity or to enhance negotiation capability. In reality, it is impossible to measure the impact of the Accord because there was no real accountability built into Accord processes. Vague measures of activity were provided but, as the process lacked meaningful performance indicators and timelines, and any means for evaluation of outcomes, there were no mechanisms for accountability. The quality of reporting was directly called into question, noting that 'NSW Government agencies are responsible for self-reporting on the individual actions allocated through the Accord. There is no truth testing mechanism for the Assembly until the report is tabled at the Murdi Paaki Accord Implementation Task Group prior to the Assembly's quarterly general meetings.' The review further made the point that 'the deliverables are very transactional and at times hard to measure success, outcome or impact'. Thus, in general, the Accord was not about building relationships or transformative approaches to doing business; each commitment had a start point and an end point but what happened between was at the whim of individual agencies. It further reinforced the impression that any measurement taking place under the Accord was of activity, not outcomes or impact.⁷²

At the time of writing, negotiations are underway for a new, overarching LDM Accord with the NSW Government. Current discussions appear to indicate that the NSW Government has been dissuaded by Assembly advocacy from pursuing a minimalist approach which would simply replicate the failed LDM Accord 1. Of concern to the Assembly, though, is the expectation on the part of government that the Assembly and the CWPs will shoehorn themselves into a generic framework of one-size-fits-all 'good governance' to comply with the Government's OCHRE policy. This was a battle fought during negotiations for the first LDM Accord:

Government likes the elected model because it is straightforward. OCHRE arrangements are around earned autonomy – I used to say to Aboriginal Affairs NSW: "The Murdi Paaki Regional Assembly is not LDM; it is the MPRA. LDM is your policy framework for regional structures. If you think about it, calling Murdi Paaki a LDM model is totally wrong. The policy framework changes; Murdi Paaki still exists.

Sam Jeffries, former MPRA Independent Chairperson

The negotiation process for LDM Accord II is shaping in the same way. The NSW Government's reporting on the review of OCHRE suggests that the Assembly is seen simply as one among the seven so-called Regional Alliances and is branding it as such. The Assembly argues that the NSW Government's approach is inefficient because, by engaging all regional governance bodies in NSW through a 'lowest common denominator' approach, it is playing to perceived weakness across the board rather than bringing to bear the Murdi Paaki model's unique strengths, and so is failing to make the best use of the social capital and governance expertise the CWPs and the Assembly have built over so many years. The

Assembly's history sets it apart; delegates find it perplexing and offensive that their model is perceived as a recent development; that the NSW Government appears insistent that the Assembly and the CWP demonstrate 'readiness' seemingly as a substitute for substantive progress; and that the Assembly and CWP are required to be continually proving and justifying themselves.

Actioning strategic interests

Beyond the LDM Accord, the Assembly, from 2015, has been active on a number of strategic fronts. The *Murdi Paaki Regional Plan 2016*, the latest in a succession of overarching strategic documents dating back 20 years, updated regional strategic interests and priorities. The Statement of Intent documented in the Plan sums up the Assembly's aim for the Plan:

Murdi Paaki Regional Assembly has a long and proud history of prosecuting a visionary agenda for regional autonomy and self-determination in the Murdi Paaki Region. Through a succession of regional planning instruments, and our ever-evolving relationships with governments, NGOs and other partners, we have sought to assert our sovereign rights as First Nations peoples of Australia and to have our aspirations for jurisdiction within our own country recognised, respected and resourced.⁷³

The Assembly's Statement of Intent is:

To establish Aboriginal jurisdiction in the Murdi Paaki Region based on recognition of our human rights as Aboriginal 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.

The Plan identified eight key action areas:

- | | |
|---|---------------------------------|
| ▪ Heritage and Culture | ▪ Law and Justice |
| ▪ Democracy, Leadership and Citizenship | ▪ Early Childhood and Schooling |
| ▪ Regional Resourcing and Capability | ▪ Housing and Infrastructure |
| ▪ Economic Development | ▪ Wellbeing |

Actions allocated the highest priority are yielding tangible results. The most critical strategic initiative identified in the Plan, essential to support implementation of the rest of the Plan and to enable the Assembly to negotiate as an equal partner, has been the creation of an operational arm for the Assembly. Murdi Paaki Services (MPS), created through the Indigenous Advancement Strategy (IAS), is a company limited by guarantee which exists to deploy a dedicated, independent professional executive team to undertake a programme of engagement, research, policy and programme development, advocacy and negotiation, liaison, and related higher-order strategic business on behalf of the Assembly. It was originally envisaged that a cohort of 16 staff would be employed – eight specialist head office management, administrative and policy personnel, and eight field officers working with CWPs in the roles formerly undertaken by the secretariat support officers and Community Facilitators. MPS, fully resourced, is seen as having tremendous potential to redress the

resource imbalance between the Assembly and governments and return capacity to the Region's Aboriginal communities in a way not seen since the days of ATSIC:

The halcyon days of the 1990s, they were the days. MPS is our best chance. If we can engage three or four very competent people to help us with this agenda, we will have the capacity to change things. We will have the energy on the ground.

William 'Smiley' Johnstone, former MPRC Chairperson

The second key strategic initiative underway is the Murdi Paaki Regional Housing and Business Consortium (MPRHBC) Project. Funding was provided by the Australian Government Minister for Indigenous Affairs in 2016, in response to Assembly representations about the fate of National Partnership Agreement on Remote Indigenous Housing funding allocated to NSW and, more broadly, the experiences of Aboriginal community controlled housing providers, and of Aboriginal tenants living in social housing. The resulting reports interrogate a case of market failure, describe the poorly conceived and damaging pitfalls of a one-size-fits-all government policy and highlight discriminatory practice.

Through assertively advocating for acceptance of the findings of the Consortium Project, the Assembly has negotiated a stand-alone LDM Accord with the NSW Government in order to bring about essential reforms to the sector in accordance with a detailed, evidence-based MPRHBC Transition Plan. This Accord has led to the establishment of the Regional Aboriginal Housing Leadership Assembly (RAHLA); a body tasked with the governance of Aboriginal social housing sector reform in the Region. The RAHLA comprises four representatives of the Assembly, together with senior personnel from the NSW Treasury, Department of Premier and Cabinet, and the Department of Communities and Justice: Family and Community Services and Aboriginal Housing Office. Early projects for the RAHLA include the delivery of the Weilmoringle Alternative Energy project scoped through the MoU between the Assembly and the University of Sydney; preparation of Housing and Environmental Health Plans for Murdi Paaki communities; and the restructuring of Aboriginal social housing management in the Region through establishment, capacity building and resourcing of a consortium of qualified providers. Secretariat services to the RAHLA are being provided by MPS and it is also proposed that MPS provide programme/project management services to projects delivered under the Transition Plan.

In 2015, the Assembly negotiated a Memorandum of Understanding (MoU) with the University of Sydney with the dual purpose of benefiting Murdi Paaki communities through the availability of expertise for community projects, and providing the University with the opportunity to develop skills and capacity among students and staff in cultural competency through engagement in service learning in our communities. MPRA anticipates that it will be possible to use the MoU to enable progress on issues on which it has been difficult to gain traction because they have not been a neat fit with governments' policy and programme priorities. A schedule of projects developed by the Assembly working with the University, is progressively being delivered. An example is the Weilmoringle Alternative Energy Project, which investigated options for providing renewable energy installations to this small, isolated community, as a pilot for the rest of the Region.

The Assembly is also pursuing other initiatives which have the potential to support attainment of Regional Plan goals, through negotiating partnerships with values-aligned collaborators in the NGO and corporate sectors which are open to supporting the Assembly's priorities. The Assembly's partnership with Westpac, for example, is resulting in concrete initiatives aimed at supporting individuals, families and communities to participate more effectively in the regional economy. Westpac personnel attend each Assembly meeting and meet regularly with CWP's to secure community input into their services and support programmes.

The Assembly is also engaged in supporting Clontarf Foundation initiatives across the Region. Clontarf works with young Aboriginal and Torres Strait Islander men using love of sport as the vehicle to motivate them to remain at school, to develop the values, skills and abilities needed to transition into economic participation and to achieve better life outcomes. Clontarf Academies now operate in Broken Hill, Bourke, Brewarrina and Coonamble, and are embedded within the schools in these communities.

It is clear from work to date in Regional Plan implementation that the Assembly is making best possible use of the synergies and interrelationships arising in the course of its strategic development. The relationship with the University, the establishment of MPS and the implementation of the MPRHBC Transition Plan form an interconnected suite of strategic activities. The Assembly anticipates that delivery of further Regional Plan actions will continue to identify and exploit opportunities to add value to and through initiatives already underway, and vice versa.

7. The Murdi Paaki Model Today

Structuring the Region's affairs

The view within the MPRA is that the system of community governance is mature. CWP's have brought together people who never previously engaged with one another for the benefit of the community, and the process of engagement in MPRA is seen to be improving CWP's disposition through enhancing their capacity to take a regional view, and to perceive their place within a broader regional context. Fragility does exist within the model as a result of the resource capacity of communities which creates an implementation gap: CWP's have had limited opportunity to operationalise their decisions, and this undermines members' confidence in the long-term value of participation in decision-making. CWP's do each receive funding in the amount (at the time of writing) of \$4,000 per year; this tends to be consumed by venue hire and catering for meetings, leaving little for secretariat support and facilitation. The situation has, though, improved recently with the employment by MPS of two officers whose role emulates that of the Community Facilitators employed during the COAG Trial: most CWP's have been refreshed, and all are in the process of revising their CAPs.

MPRA has, for the last five years or so, been in a relatively strong position by virtue of having been funded for a full-time executive position and secretariat support. Until 2018, Maari Ma Health Aboriginal Corporation fulfilled the secretariat role and auspiced MPRA's grant funding; with the establishment of MPS, these roles have migrated to the new organisation in accordance with the Assembly's aspiration to have MPS function as its operating arm. Jarvie and Stewart, distilling insights obtained from the work of the Productivity Commission, identified several key factors underpinning good governance: 'governing institutions, leadership, capacity building, self-determination, cultural match **and resourcing**', and confirmed that all these factors are self-reinforcing, indicating that allocation of adequate resources is a critical element in the governance equation ⁷⁴.

In the early 1990s, the Murdi Paaki Regional Council decided not to adopt the body corporate structure permitted by the ATSIC Act but to function as a peak advisory institution for the short term. As a result, it could not acquire, hold and dispose of real estate or other property, nor enter into contracts. The threats posed to Regional Council by compliance issues and conflicts were seen to be too much of a risk. This early decision, and the development work that Regional Council chose to do with corporate sector involvement from companies such as Deloitte, KPMG and what was then Arthur Anderson set the pattern for the future:

It created an environment for change and transformation – the Regional Council fundamentally looked at getting its own house in order first.

Stuart Gordon, ATSIC Bourke Regional Manager 1995-1996

The Assembly today, drawing on that early work and the governance policy initiatives that came later, prizes its independence and draws strength from the emphasis that it has always placed on building a rigorous evidence base for decision making, developing robust strategy

and advocating a strategic agenda with governments. The Assembly has, over the years, developed an evidence-based scepticism about top-down planning and policy-making, to the extent of turning the conventional pyramid structure for community governance on its head. For the Assembly, the communities are at the top of the pyramid:

The commonest model is the top down. Always top down. Our model is our mob first.

Des Jones, MPRA Independent Chairperson

MPRA continues to aspire to self-determination, and to recognition of Aboriginal rights to sovereignty. Former MPRA Chairperson Sam Jeffries identified Aboriginal people's relationship with government as representing a 'constituent sovereignty' which 'gives primacy to negotiation, recognising our rights as Indigenous people.' He further asserted that '... self-determination must be moulded to our own special circumstances, whether we live in urban, rural or remote areas' ⁷⁵. The Murdi Paaki model for community-led governance has always conducted its business on these terms, and structured its institutions accordingly. At the same time, the Assembly continues to update its framework for governance, and its documentation grows increasingly sophisticated. The most recent version of the Charter of Governance was adopted in 2015 following revision for consistency with current circumstances ⁷⁶; a comprehensive Engagement Protocol was prepared in 2016; and more recently, a Governance Handbook has been developed, primarily for guidance of CWP's.

The Murdi Paaki Regional Assembly

The Assembly today comprises one representative from each of the sixteen communities which have a CWP (usually the CWP chair but sometimes his or her delegate), four representatives of the Murdi Paaki Aboriginal Young and Emerging Leaders Assembly (MPAYELA), and each of the three NSW Aboriginal Land Council Zone councillors whose zone falls wholly or in part in the Murdi Paaki Region. In reality, the NSWALC representatives rarely attend; however, participation by CWP's and Young Leaders is consistently high.

The Assembly usually meets quarterly for three days, in the central location of Cobar. Meeting agendas are packed with the Assembly's internal business: progress reports from the three regional organisations (MPS, Maari Ma and Murdi Paaki Housing) and from consultants working with the Assembly on strategic projects; presentations from government, corporate sector and NGO partners and prospective partners; and other strategic business. Meetings provide the opportunity, and encourage delegates, to take the 'helicopter view' in relation to strategy for the Region, but also provide a pathway for communities, through their CWP chairs, to communicate their issues and aspirations. The behaviour of Assembly delegates is subject to the Code of Conduct set out in the *MPRA Charter of Governance*, which documents the Assembly's three guiding principles: unity, loyalty and respect, and a system of mutually acceptable, culturally informed values around governance, leadership, probity, and personal and collective conduct.

Stability in leadership has enabled a consistent development of the model over the years. Under the guidance of Independent Chairperson Sam Jeffries, first elected as an ATSIC

Regional Councillor in 1990, then MPRC Chairperson from 1996 to the abolition of Regional Council and subsequently Independent Chair of the Assembly to 2016, the Murdi Paaki model progressively evolved irrespective of the political landscape. Following a short period during which Bourke CWP Chair Alistair Ferguson acted in an interim capacity, Des Jones's was employed as Independent Chair in 2017 to carry the Assembly's aspirations forward.

Community Working Parties

Each of the sixteen main communities of the Region are represented by a Community Working Party. CWPs meet at a frequency between quarterly and monthly. Because they are the embodiment of the desire for representation in each community, CWPs are individually structured to meet the needs of their community, but their functions are as set out in the *MPRA Charter of Governance*. The capacity to design the representative and participatory structure to respond to local circumstances is seen as a cultural strength of the model:

The CWP is strongly culturally based and cultural traditions run down through the community – the resurgence of language being an example. Our CWP has a somewhat informal meeting process. It's open to all, everyone can be on the agenda, it's inclusive.

Walgett CWP member

There is community unity at the CWP. Meetings are open and people can have their say. There is no legislation to control the process unlike Local Aboriginal Land Councils. Our CWP is for the whole community and our aim is to step up the ladder, to achieve concrete successes. The CWP is culturally based and believes in equity and inclusiveness. It employs strategic thinking to benefit the whole of the community.

Collarenebri CWP member

There are often 25 to 30 people at each meeting. The CWP observes cultural and traditional ways of doing business.

Menindee CWP member

All CWPs run on a voluntary basis, and chairs are unremunerated. CWP chairs are often in full-time employment and have limited time to devote to CWP administration; and may not have ready access to do so. The role of the CWP chairperson is, nevertheless, vital in providing a conduit between community and the Assembly, and between community and service providers engaged through the Assembly processes:

The CWP chair is the mouthpiece and must ensure that what is said is heard. Decision-making is a collective process – the community nuts it out and then gives it polish. No idea is a silly idea.

Goodooga CWP member

The very smallest communities including Tibooburra, Wanaaring, Euston and Buronga, are able to join their voices to their nearest CWP, or to contact the MPRA chairperson to provide a local perspective on matters affecting their community. These smaller centres have populations of fewer than 50 Aboriginal people and some, fewer than 20.

The Assembly voices an expectation that the CWP's will conduct a 'refresh' process every one to two years to ensure that they continue to be as inclusive and representative as possible, but it is up to the CWP's when and how this process takes place. Recently, with the enhanced capacity for CWP support made possible through the resourcing of MPS, a more consistent arrangement for supporting CWP's to refresh themselves now exists, and this is resulting in greater community involvement. It has also provided CWP's with the resource they need to update their CAPs. Prior to the current round of updates, the 16 CAPs had been in varying states of completeness and relevance. The view of the Assembly is that the Australian Government should be working with MPRA to ensure that the IAS provides each community with the resources required to have at least one CAP strategy actively implemented. Current arrangements in relation to IAS funding allocation are seen to be divisive and in need to balance:

There needs to be equity in distribution – to ensure at least that every community has one of their priorities from their CAP implemented, making sure that there's equal distribution across the board. Sometimes you think they're using it as a strategy to divide people around the table – "Brewarrina gets everything".

Grace Gordon, Brewarrina CWP Chairperson

Over the years, participation in the CWP's has waxed and waned. Reasons for this vary from time to time and from community to community. CWP's lose heart when agencies fail to recognise and respond adequately to diversity on a community by community basis and when representatives of government bodies fail to meet their commitments – sometimes those commitments are as simple as showing up to a scheduled meeting. CWP's have tended to be most stable, with the highest levels of community engagement, when they have had strategic work to do, and when that work has been adequately resourced; for example, during the period of the Murdi Paaki Partnership Project in the days of the COAG Trial:

Some people are disillusioned by the slow progress of the implementation of the Community Action Plans and priorities.

Grace Gordon

Low participation levels have often been a reflection of lack of resources, and CWP's, which crave responsibility and hunger for real work to do, equate inadequate resourcing to a lack of value placed upon their opinions and their service. Similarly, CWP members aspire to active citizenship and responsibility, and may disengage when they feel that they are being treated tokenistically:

That's why 'the Gap' is never going to close, because the community people haven't got the responsibility; they haven't been valued for their voice. They want the responsibility but they haven't been valued.

Des Jones

One of the unintended adverse consequences of the withdrawal of CDEP from community governance and management at the end of the ATSIC period is that fertile ground for

building leadership skills and capacity in communities was surrendered. With its demise, participants lost an avenue which provided opportunities in project planning and organisation, workforce supervision, organisational management, budget control, resource allocation, skills acquisition, training and mentoring.

The community was very active in the times of CDEP. Things happened and we were able to build leadership. When CDEP finished the energy went out of the place.

Lightning Ridge CWP member

The closure of CDEP knocked the stuffing out of the community. What is in place now is not generating leaders. Jobs are not catering for young people and training is not targeted so our talent pool is restricted.

Wentworth/Dareton CWP member

CWPs have an eye to the future and have been active in promoting the MPAYELA as a means to ensure succession of community leadership:

It is the aim of the CWP to bring the young people through as young leaders. Elders are losing their memory so it's essential to have young leaders involved in Aboriginal politics and community politics.

Lightning Ridge CWP member

Community engagement in the local CWP can vary in response to community dynamics; for example, if a single organisation, family group or individual becomes dominant or attempts to, or succeeds in, manipulating the agenda in self-interest, or if there is a high level of apathy among community members. More broadly, participation can be affected by external factors which affect communities such as environmental crises and service delivery issues, or simply how much is going on in the community at the time.

We are faced with people not willing to change – they want to do same old, same old and because there's nothing in it for them, they say 'why bother?'

Collarenebri CWP member

The straightforward solution to this issue is for the Assembly to task MPS with conducting a refresh process to re-balance CWP membership and leadership. A more intractable problem is lack of flexibility on the part of employers who may be unwilling to release staff to attend meetings. This is particularly problematic where it impacts on CWP chairs. Conversely, if the CWP resolves to meet after hours or on weekends so that employed community members may attend, then staff of agencies and NGOs are unlikely to be present, impacting the exchange of information and accountability:

The CWP is strong but engaging with community is hard. The challenge is to look to the future. We have tried all sorts of ways to get people in but workers cannot get time off.

Wentworth/Dareton CWP member

Service provider staff job descriptions could allow time for Aboriginal workers to attend the Working Party.

Broken Hill CWP member

At the same time, though, CWPs are continuing to advocate assertively for local agendas, and their success is recognised by the Assembly:

What they're bringing to the forefront are the things that are determined locally, that are the community priorities. And that's why I believe this is working.

Grace Gordon

During the COAG Trial, NSW DET calculated the monetary value of number of CWP members meeting on a monthly basis multiplied by the five years of the Trial as an expression of the in-kind contribution that the MPRA and the CWPs bring to the table. This substantial expression of voluntarism equates to a huge financial investment.

The historical high point for participation was the period during which both the secretariat and the Community Facilitators were in place; most notably the Facilitators, who were tasked with the role of supporting the CWPs to put the CAPs into operation (although the Assembly regrets that communities were not involved in the selection of their Facilitators). With MPS developing strength in its CWP facilitation role, CWPs are again engaging:

Resourcing the CWP is important; it was easier when the River Towns Programme was running. It will take us a while to rebuild the CWP but we are holding consistent meetings so for us, a high point will be sustained growth.

Collarenebri CWP member

When they see the rubber hit the road in the communities, what they've been negotiating for a long time, then they start to feel the momentum, to come back, to be there.

Grace Gordon

The way to engage people is to have an outcome from the Action Plan – people need to see progress.

Cobar CWP member

Some CWPs are more entrepreneurial than others, and this tends to be influenced by the remoteness of the community, level of access to local resources (including the local agency presence) and the strength of the linkages among Aboriginal community controlled services within the community. Where there are close ties between the CWP and Local Aboriginal Land Council, for instance, the community is able to benefit from the synergies between each body's planning process:

In terms of strategic planning there should be alignment of Community Land and Business Plans and the CAP to ensure there is consistency in strategic interests.

Lightning Ridge CWP member

The aspect of the Murdi Paaki model which has been of benefit to Murdi Paaki communities through times when community members have become discouraged is the fact that there is always a seat for each of the sixteen communities at the Assembly table, and thus the opportunity for the community to influence the regional agenda and remain connected:

I think what the strength is for our working parties is that they've still got a seat here, no matter what. If you're a working party, you've still got a seat here, for someone in your community to come and at least engage with government, have a say on behalf of community.

Des Jones

The relationship between the Assembly and CWPs

The Assembly is committed to the principle that decisions should be made at the level where they have the greatest impact, and that the people who make decisions should feel the effects of those decisions. For this reason, the Assembly strives to keep CWPs healthy and engaged. MPRA supports the CWPs through the allocation of funding to hold meetings, through tasking MPS with the role of supporting CWPs to engage with community, work to the highest levels of probity in governance, and prepare and put into operation their CAPs. The positive relationship between the Assembly and CWPs is demonstrated by active and committed participation by CWP chairs in Assembly business. Assembly delegates take responsibility for supporting each other in negotiating the challenges of leadership in community:

Back home, I don't stand alone, I know that if [there are problems], I can ring any of you mob up to say – this is happening home here, I need help and all you mob will rally together in your communities to back up what I'm doing and vice versa.

Monica Kerwin, Wilcannia CWP Chairperson

Assembly delegates have learned over many years to respect each other and not to personalise interactions within the forum of the Assembly:

I think one of the things that's really kept us together is the personalities. You get heated arguments in this room, but it's not personalised. [We] could go outside, we don't take that with us.

Ted Fernando, Coonamble CWP Chairperson

Loyalty and unity are expected of each Assembly member; are enshrined as core values in the Assembly's Charter of Governance, and are routinely delivered. A vital element of this is respect for leadership at Assembly and CWP levels:

Murdi Paaki over time has had an uncanny ability to consolidate the leadership and keep it intact, not to be segregated and separated. The ability to bring cohesion across different communities, characteristics, cultural settings has been instrumental in the success of the Murdi Paaki model. It's not just an individual thing – there's a strong intellectual commitment to loyalty and unity – we don't let personalities get in the way. Keeping the loyalty, the cohesiveness, you have to take a nurturing role. The members of the Assembly respect the leadership, the Chair respects the intellectual leadership of the members.

Sam Jeffries, former MPRA Independent Chairperson

A fundamentally important aspect of the relationship between the Assembly and CWP is communication, and CWP chairs must function as an effective two-way conduit for flow of information for the model to work effectively. Generally this is not a problem; however, from time to time, in certain locations, communication has not been as effective as it might have been. In this case, CWP members tend to form their view of the Assembly on the basis of dated or misguided impressions from the ATSIC days, and may overestimate the Assembly's influence, make unrealistic assumptions about the Assembly's role in decision-making around resource allocation, or feel that their CWP is dissociated from the Assembly:

Communities need to be better aware of the impact that the Assembly can make so access to high level and quicker feedback is crucial.

Goodooga CWP member

There is a lack of knowledge of the Assembly and its achievements. CWPs benefit the Assembly but does the Assembly benefit CWPs?

Broken Hill CWP member

CWP members value clear, timely feedback from the Assembly about its initiatives, partnerships and operations. At times, this is a challenge for Assembly delegates who may only have received a briefing on a complex human services matter during an Assembly meeting and not had the opportunity to digest implications or ask searching questions to clarify an understanding. Relaying an incomplete or misunderstood policy or proposal to community can be extremely damaging to community interests but also those of the Assembly. Yet Government often seeks an immediate response.

Support systems

CWPs have had their high and low points over time. Until recently, the highest point had been reached during the COAG Trial, when SRAs funded secretariat and Community Facilitator positions to serve each of the 16 CWPs:

If we got good administrative support around the governance framework – for example, in the COAG Trial – the productivity of CWPs and people in CWP meetings is high. With good administrative support, you get good participation all the time. There's been inconsistency in resourcing the support for the governance framework to function at its capacity – the peaks and troughs have only happened because of resourcing. If you have consistent resourcing, you get consistent output.

Sam Jeffries

Over many years following the demise of ATSIC, Maari Ma provided secretariat services to the Assembly, under contract when funding was available or as a practical gesture of commitment and solidarity at other times. More recently, with MPS in place, the secretariat role has moved across to the new organisation, in keeping with the Assembly's goal of having access to an expert resource with the capacity to support both the Assembly and the CWPs.

Planning for succession

The Assembly has, for many years, sponsored the MPAYELA project. This project, established under the 2009 RPA, provides structured training and leadership development for young people in Aboriginal communities throughout the Region, and not-so-young people with leadership potential, to take on leadership roles in their CWP and in the Assembly over time. The MPAYELA project is having outstanding results in leadership development by allowing young people to gain the skills and confidence needed to succeed in the workforce and have their voices heard in their communities. More than 100 Young Leaders from sixteen communities have participated in the project, which is continuing to lift young Aboriginal people into the role of community leaders.

I think MPAYELA has been a high point for us, developing the young leaders ... it's building capacity amongst our young people ... generating some good outcomes.

Des Jones

A number of the Young Leaders have completed their Higher School Certificate and continued to university. Young leaders participate in Assembly meetings and network with young people in their own circles. The Assembly sees the MPAYELA as securing the future of the Region's governance model through making provision for generational change, and embracing the knowledge that the next generation of leaders, while having acquired the cultural knowledge needed to work within community, will carry out the business of the Assembly in new and innovative ways.

A threat arising from the success of the MPAYELA, though, is that young people coming through the programme are being recruited by governments for roles in the bureaucracy. The Assembly is yet to reach a critical mass of highly motivated young people with a developed leadership sensibility which will allow the Region comfortably to share its talent pool with government. This is of concern, particularly to Elders, as potential successors, whose capacity for culturally motivated leadership nurtured through the process, are essentially lost to the governance framework. A perception is that young Aboriginal public servants risk becoming shaped by the often colonialist culture of bureaucracy, alienated from exposure to the day-to-day reality of living in community and conflicted by contentious policy implementation. Observance of cultural rights and obligations which this engenders is seen to be diminished.

8. Sustaining the Model

Good community governance

For the Assembly, good governance is governance which is a cultural fit with the needs of the Region. The evolved form of community-led governance exemplified by the Murdi Paaki model is well-adapted to regional and local ways of organisation and engagement, a feature viewed as fundamental to the Assembly's long term commitment to the wellbeing and advancement of the interests of Aboriginal people. Although the structures for representation have changed over time, most notably with the demise of ATSIC, some of the foundations for the model's success have endured from the beginning. Values and principles are largely unchanged but governance practices have become increasingly sophisticated through a process of building and refining culturally and geographically specific protocols and proficiency over a period of almost thirty years, largely discounting the overlay of bureaucratic assumptions around what good governance constitutes, and imposition of external, non-negotiated priorities:

It suits our needs – daily plus future planning, we would prioritise the things that matter to us, not what matters to government nor anybody else. I think the part that's best for us is we self-regulate. And community will do it, they'll know who's not going to make it as a chair, they won't put them in. So it regulates itself.

Des Jones

The values of community governance in the Murdi Paaki context include independence from external control, inclusivity, transparency, trust, voluntarism, and appetite for change. The Assembly regards the independence conferred by its unincorporated status as an important asset:

I think that through the governance we have, we cannot be controlled by anybody.

Ted Fernando

Assembly delegates draw a clear distinction between corporate or 'colonised' models of governance and the Murdi Paaki community governance model. The decision of the Assembly to reject an incorporated structure has conferred in a degree of openness and inclusivity not available under corporate governance models, and in contrast to corporate governance, Assembly delegates see their model as an evolved form of the traditional, consensus-based cultural practice for decision-making which took place around the camp fire:

It is [a very traditional form of governance]. Pre-Captain Cook ... we're sitting down as blackfellas talking about our issues.

Des Jones

The Assembly embodies a cultural authority nobody even thinks about. It's the aspects and practices of culture – the Assembly being based on communities, not on nations, is what makes the Assembly work. If it had been based on nations it would have been about native title and

land rights and it would not have worked. The Assembly has cultural authority from the nations as a result of the consultation process.

Sam Jeffries

A critical element of the Assembly's governance protocol which has contributed to strong relationships within communities is its resolution not to become involved in policy areas for which there is already a representative infrastructure in place. For example, with the exception of advocacy around measures to maintain language and cultural practice and to record oral history, involvement in land rights, which is rightly the province of the Land Council network, has been avoided, and the Assembly does not engage in matters concerning native title or debates between language groups or nations.

From time to time, government partners have tried to co-opt the Assembly's model of governance to a government agenda, much to the annoyance and disquiet of the Assembly. This is a current issue as the Assembly negotiates the next LDM Accord with a government that has a clear belief in its right to prescribe the principles and practices of 'good governance' and impose these on a long-established and successful, community-driven governance model. MPRA's experience with governments assumptions about their rights to colonise the CWP structure is perhaps best illustrated by the actions of the then NSW DAA, in the context of the Two Ways Together strategy in 2008, making a unilateral decision to refresh CWPs in partnership communities. DAA was instructed by the Assembly to desist. In Menindee, where the CWP chose not to engage with DAA at all, DAA attempted to set up a rival group.

Recent developments with LDM Accord negotiations has witnessed the introduction by government of the concepts of 'readiness' and 'capacity' as pretexts to delay or draw out the process or, worse, as a substitute for inaction. The Assembly and the CWPs have continually developed their capacity to represent their communities in a culturally and geographically legitimate way; yet, time after time, have been sent back along the path of capacity development at the behest of governments. The perception at community level is that the rejection of the reality is an attempt to mask an incapacity on the part of government to provide culturally relevant, co-ordinated responses to community needs. More broadly, within partnership initiatives supposedly around engagement and community-based decision-making, 'Governance' has tended to be used as code for the ability of community to formulate and articulate priorities constructively, within a framework broadly representative of the range of interest groups within the community, but only to the extent that priorities are consistent with the prevailing policy directions and ideological orientation of the government(s) of the day.

While governance arrangements at the community and regional scales have matured, no consistent, sustained process of change in governments has been observable; perhaps because the processes of government are inherently reductionist, fragmented, ideological, territorial and characterised by a tendency to cling to established ways of doing business regardless of utility:

... governance arrangements in the Murdi Paaki Region as they have been developed and sustained speak for themselves against the background of the shifting sands of government policy.⁷⁷

Assembly delegates recognised from the outset the power of good governance, developing and documenting policy frameworks setting out governance principles and practices. Thus while the model accommodates CWP diversity, the Assembly and CWPs are working to a consistent set of values and practices around probity, inclusiveness and other matters of shared importance. Currently, the Assembly and CWPs are working to the *MPRA Governance Handbook* adopted in December 2018, and to the 2015 *MPRA Charter of Governance*. Assembly delegates, in general, recognise the need to separate their role as chair of their CWP from their obligations to the Region as a whole through their Assembly duties, and are confident in their ability to work from the regional frame of reference:

I'm both, but I don't sit on the fence – I mean, it's hard sometimes when you're coming here. The thing is that I've got to think widely, not locally. The structures are different – completely different.

Pam Handy, Wentworth/Dareton CWP Chairperson

The Assembly's strength has always been focussing on the Region and not the individual communities. The Assembly is not the de facto voice for any community – it's about the Region.

Sam Jeffries

Communities are competitive by nature – they like to make their own decisions. With the Assembly, everybody is there to make a decision on behalf of somebody else. It's a very collective model.

John Nolan, ATSIC Regional Manager 1990-1994

CWP chairs, when occasionally attempting to use the Assembly as a vehicle to promote pet projects for their own communities, have been discouraged from such action. Assembly delegates work to maintain the collective understanding of the need for ethical behaviour at all times; rising above internal community difference by acting impartially, allowing every voice to be heard, following up with actions and reporting back to community. Consistency and transparency in dealing with community are vital to building a relationship of trust with community:

I think people obviously trust us to play the role – people want us to talk on their behalf and represent them, trust comes into it in a big way. They mightn't like you but they might trust you.

Des Jones

Motivation

The historical reality is that CWPs (and MPRA) have only been able to survive and thrive in the long term as peak decision-making entities because of the dedication of individuals within their communities and the commitment of MPRA-initiated regional enterprises (Maari Ma, MPRHC and MPREC) which have stepped in to resource MPRA activities from time to time

over the years. The level of governments' commitment to recognising the status of Murdi Paaki governance entities has tended to be reflected in the level of financial support to CWPs and MPRA over the years. For example, SRAs negotiated in the course of the COAG Trial ensured that CWPs were resourced for the duration of the Trial. More recently, MPRA has again received funding from the Department of the Prime Minister and Cabinet (PM&C) (now NIAA) to facilitate its governance functions.

Assembly delegates' motivation as leaders in the Region is best captured by the Statement of Intent in the *Murdi Paaki Regional Plan 2016*, reproduced in Chapter 6. Delegates express a passion for the work, a commitment to their communities, determination that historical and contemporary experiences of marginalisation not be repeated, and a tremendous pride in the voluntarism of the model. Assembly delegates have stayed the course because of their commitment to ensuring that the lives of Aboriginal people can be transformed through strong advocacy for an agenda that is shaped by community:

All this stuff we do here is all through passion, it's because we're sick of seeing the same thing happening over and over and over and we want to try and fix that.

Larry Flick, Collarenebri CWP Chairperson

I think they were quite surprised by the fact that people did come together – I think the thing that probably moulded people together was the fact that we were still and still are today experiencing that original injustice that's happened to our people – so we're still sitting here 25 years later ... I think that's the common thing between the people because to come together in an independent way where the voice wasn't controlled but still to be a really strong voice to put these issues up to the government processes to get action.

Grace Gordon

At the same time, although the Assembly acknowledges the history of dispossession experienced by Aboriginal people and the racism which affects people on a continuing basis, delegates do not come to their role from a position of victimhood; instead, they are committed to putting strategic, evidence-based solutions on the table, and defending them through force of cogent intellectual argument and through the moral position they hold by virtue of their place in a legitimate governance model:

We have become smarter, very strategic, very political – we can play the game as well as any in that sense. The thing that separates us is the level of authority about what we can and can't do. We've got authority but no control; government has control but no authority. We have moral authority, but no real control over the way the system works. We have to try to make that work better to continue to advance. The Assembly has taken that on and been able to advance, albeit slowly since the abolition of the Commission.

Sam Jeffries

This intellectual leadership is underpinned by the Assembly's commitment to exercising human rights in accordance with the articles set out in the *United Nations Declaration on the Rights of Indigenous Peoples*.

The Assembly and the CWP's have always valued voluntarism as an aspect of the practice of community governance. The persistence of the Assembly and the CWP's as a model for community governance relies on community members continuing to choose voluntarily to assert a leadership role in civil society, and this is seen as one of the model's greatest strengths:

We didn't have money to start this off – we used to come to the COAG Trial meetings and they only paid for travel and accommodation ... they gave an incidental amount which wasn't much, but we felt that we wanted this to happen and that's why we kept coming.

Fay Johnstone, Ivanhoe CWP Chairperson

As CWP chairs, Assembly delegates have expressed commitment to their leadership role every waking hour, in accordance with the expectations of their communities:

Our governance is 24/7. It's not about 9 to 5 and just go home. We make a decision, we live this. This is our life. It's an ongoing decision-making process.

Des Jones

We don't get a rest – we get the police knocking on our doors dropping someone off, we're getting phone calls from the hospital to go up there ... we're doing everything; we're not getting paid for it. But –we're looking after the community.

Monica Kerwin

Dedication is a personal attribute which cannot be replicated by imposed governance structures, even those imported from other First Nations or post-colonial settings. For Assembly delegates and CWP members, being available to community is both innate and an expression of compassion.

Voice and representation

The Assembly has always been about voice; the model's structure grew out of demand from communities for a culturally oriented form of representation based not upon European concepts of democracy but on the principle that every community, from the major centre of Broken Hill to very remote Weilmoringle, is entitled to be represented at the Assembly table, either directly through an elected CWP chair or, in the case of the very smallest communities, by joining their voices to their nearest CWP. Voice and inclusivity are seen to go hand in hand:

Someone can come along to a working party meeting and have a voice. There are no restrictions. Corporations that have membership, they can restrict you – if you're not a member, you don't get a vote. Working Parties – if you live in that postcode, you're entitled to come and have a say ... if you're an Aboriginal person. A lot of our mob aren't into politics – they don't want to get into politics, but they want their voice heard.

Des Jones

Assembly delegates and CWP members are not restricted in terms of raising and advocating for matters that are important to Aboriginal communities. The constant interplay between

living life in one of the Murdi Paaki communities and speaking at an Assembly or CWP meeting ensures that Assembly delegates remain grounded, and fully engaged with the community. No Assembly delegate is a professional politician but all delegates prioritise the best interests of community, and see voice as one of the chief tools for improving the wellbeing of Aboriginal people in the Region:

I think that with the Murdi Paaki Regional Assembly, if you've got that voice where a diverse group of people can come together and look at those issues – that's how we can improve the issues that our communities are facing.

Denise Hampton, Broken Hill CWP

It was concern from community about the method for electing the ATSIC Regional Council which led to the inception of the Assembly in the first place:

I think that's how it all happened because first up, in Ivanhoe, we didn't have representation on the Regional Council and we needed something that all the communities in our Region could be involved in.

Fay Johnstone

The Assembly considers itself to be unique in that the voice of the people is represented by the people themselves; whereas, as the Assembly sees it, in other regions the voice is mediated through corporate entities and agencies, with all the partiality that involves:

You drive to any other region – the other alliances that I see at the table will tell you this: they're dominated by agencies. They've got no voice. That's why they're interested now in forming their own alliances, because their voice is lost in the system. It doesn't get to where we're getting to, government and through the agencies; it doesn't get there.

Des Jones

And as Monica Kerwin observed, to have “a forum where everyone at the table is safe” to express their view is empowering.

Culture, place, identity

The identity of communities as Murdi Paaki people is strong, and the tie that binds communities is the Barwon/Darling River system. The Assembly translates Murdi Paaki as 'Black Man's River', and emphasises that Murdi Paaki is about people, not about issues. It is this truth that the Assembly sees as making its approach transformational, not transactional.

Assembly delegates recognise and respect the diversity that exists among the Aboriginal peoples and communities of the Region:

We want to make sure that all our communities are identified as different groups. We're all peoples, you know, we're different peoples ... and we want to make sure that's maintained, that they are communities in their own right. Then there are traditional owner groups, family groups. They've all got to be recognised and valued.

Des Jones

Communities, language and dialect groups, clans, families and individuals are connected through the river systems and towns; many Assembly delegates are related to people along the course of the river system, and so there is a strong cultural connection through the nations and language groups. The shared history of movement along the river system for seasonal employment, and the relationships and friendships that formed as a result, continue to connect the CWP:

I think they're friendly relationships, like most of us right across the Region in Murdi Paaki – relationships, because you've got relations in just about every town that's out here.

Ted Fernando

At the same time, on a practical level, communities are united by the issues that arise from the Murdi Paaki geography – the water crisis, the loss of seasonal work in cropping industries, and the way that remoteness impacts on access to services and to opportunities for economic participation.

This cultural connection to country and to family is one of the key factors that sustain the Assembly. However, the Assembly sees that governments have a history of failure to match services and programmes to the specific needs that exist within the Region and, perhaps equally importantly, to structure their boundaries so that they relate sensibly to the Murdi Paaki boundary:

We were fortunate that the leadership back in the early days maintained the old ATSIC boundary. We still want to work in that boundary that identifies us all. Other communities, other regions were dismantled, they never adopted the old boundaries that somehow connected them to country and people. They identify with a certain region, our mob.

Des Jones

The Assembly's approach to business respects cultural protocols. The culturally relevant way is to have discussions, work with people around issues, and this takes time. These cultural practices are very old, and represent cultural continuity:

It's exactly like sitting around a camp fire. Maybe there's no campfire here but there's not much difference the way we do it.

Ted Fernando

Cultural protocols are worked out on a community-by-community basis, and the model emphasises the right of each community to develop its way of doing business to suit local traditions, within the overarching framework of the *Murdi Paaki Charter of Governance*.

The Assembly is seen as a forum for contemporary cultural transfer of knowledge. Its unincorporated status allows it to have an identity consistent with the way the old people came together at a certain spot, talked about the issues and transferred the knowledge. We're one of the last places in the country that does this – that's how I see the Assembly; the unincorporated status allows us still to have that cultural identity even though we're different people from different countries. We're doing it in a consistent way to the old people.

Jason Ford, Murdi Paaki Services Project Officer

Incorporation is seen as a vehicle for external control. Conversely, the unincorporated form is perceived as a way to maintain cultural continuity and as a platform to allow culture to exist, for community members to express themselves from their own cultural setting in a forum which provides flexibility and cultural comfort. Delegates learn from each other and this, too, is seen as a cultural practice. The cultural emphasis is seen as a way of preventing competition and envy from producing conflict between member communities. The internal cultural business conducted within communities, clan groups and other divisions of Aboriginal society is respected by the Assembly.

9. Making Plans and Developing Strategy

Regional planning

From the earliest days of ATSIC, the Regional Councils, then the Assembly recognised the power which resides in building evidence and using it as the basis for planning. The FWRC's and MPRC's earliest efforts in community planning and regional planning were recognised by the then Royal Australian Planning Institute as equal to the best community planning work carried out anywhere in Australia. Even in times of resource scarcity, the Assembly has made a point of developing successive five year strategic plans, and advocating for the implementation of the resulting schedules of actions. During the ATSIC period, advocacy was a relatively straightforward process, with the administrative arm and the RCMG structure committed to supporting the delivery of the strategic programme for the Region. In latter years, though, the process has been more complicated and thus more frustrating. These planning processes combine collating a body of quantitative evidence using sources such as ABS census and economic data with the collective voice of Aboriginal people as expressed through the CWPs and the Assembly.

[The Assembly] always places it through a social justice lens – a sense of not just putting stuff out there, but doing it in a way that makes a difference in terms of indicators of people thriving, not just surviving; demonstrating social and economic outcomes commensurate with the rest of Australia rather than putting it out there thinking it's going to work. It requires cultural competency within governments, and willingness to co-design with community.

Stuart Gordon

The other development work of the Assembly and the CWPs tends to take place to fulfil the strategic agenda set out in the Regional Plan; as with the current examples discussed in Chapter 6.

Planning, and consequent fulfillment of aspirations, is vital for community development and sustainability. The total population of the Region has declined over several intercensal periods; however, at a regional scale, the Aboriginal population is increasing (although change is spatially variable). MPRA is targeting sustainability of communities as critical to ensuring the survival of Aboriginal communities and the wellbeing of residents.

The relationship between CWPs and MPRA and the local government councils in the Region has been variable at best; no formal agreements to engage have been in place since the Barwon Darling Alliance lapsed yet, almost imperceptibly, Aboriginal residents are becoming the largest fraction of the population. MPRA plans, as an element of its sustainability agenda, to utilise any future process of local government reform to best advantage.

Community Action Planning

Community action planning in the Region predates the CWPs; having first taken place in accordance with ATSIC conventions in 1992-1993. A second round of CAP preparation was

undertaken during the COAG Trial between 2004 to 2006. These earlier planning rounds were funded through ATSIC and through a SRA, respectively, and consultants were engaged to assist communities to build an evidence base and document community goals, strategies and priorities. From 2011 to 2015, a further round of CAPs was prepared but, this time, the plans were prepared variously by consultants, by communities themselves where capacity still existed, or by the bureaucracy, some as desk exercises. A number of CAPs have not been finalised, or ownership taken by the CWPs. MPS is working through a new round of CAPs; this time to a consistent methodology informed by each CWP's strategic programme for change.

Several communities also have Housing and Environmental Health Plans (HEHPs), although these are dated and soon to be revised. HEHPs are extremely detailed plans, generally prepared in the course of a major capital works project, to document the extent and condition of housing and environmental health infrastructure in the community, estimate housing need, and record other related environmental, health and human service needs; and to set out specific, costed plans for dealing with deficiencies. The Assembly has identified a round of HEHP preparation as a priority through the RAHLA, with the objective of establishing an evidence base to guide further developmental work in respect of housing and infrastructure in each community. In this way, the HEHPs bring a closer focus to an area which has always been the subject of strategy in the CAPs.

10. Working in Partnership

Working to regional autonomy

The Assembly's aspirations for autonomy have not, to date, been achieved; nor have they waned. At the time of the abolition of ATSIC, the Murdi Paaki Regional Council was as close as it had ever been to attaining Regional Authority status. The Assembly continues to aspire to having its jurisdiction recognised and respected; regional autonomy is still well and truly on the strategic agenda. In the meantime, the Assembly continues to press its case for recognition of the right to negotiate approaches to community development which truly meet the needs of the people, in the specific cultural and geographical context in which they live. Recent developments in negotiation structures for the next LDM Accord are viewed as encouraging:

Just listening to everybody and looking at the direction that they're taking has changed my view in how we can inform the changes that we want to see for our people, and that could be around the economics and the sustainability of all these things because that's where we want to be at the end of the day. We don't want to be back in 1993 but we know it's going to take time to get there. We've got to work, and I think that's one of the good things that's happening here in this forum is that we've already started. We've got the Accord, and that's hopefully going to have that impact on how policies are designed and implemented for our people out here.

Denise Hampton, Broken Hill CWP

Ups and downs in engaging services

MPRA delegates have displayed a high level of individual resilience and strength over many years to develop and foster relationships. Continual advocacy and persistence has led to the Region consistently being able to attract governments to engage in potentially innovative partnerships. The history of MPRC and MPRA, as documented in a large number of academic articles, published papers and presentations, evidences consistently clear vision, realistic expectations, and an ability to make things happen. The history of engagement between MPRA and its government partners indicates no consistent, overarching long term vision on the part of governments which, perhaps, should not be a surprise given the duration of the electoral cycle and the fluctuating ideological environment which accompanies the cycle:

It comes and goes – it happens with a change of government. MPRA is most influential on government policy when a new government comes in.

Sam Jeffries

Notwithstanding this, there have been periods in MPRA's history of interaction with governments which have been characterised by vision on both sides – the COAG Trial is a case in point. For the most part, though, governments have been intent on providing services and programmes within portfolio areas, as dictated by government policies of the day and their bureaucratic interpretation. Notwithstanding rhetoric and COAG policy positions relating to co-ordination, reductionist approaches have prevailed, with governments showing

little integrative capacity in the long term, notwithstanding community expectations of an holistic response to community needs and priorities.

Agency and community attitudes to measurement and evaluation, too, have differed, with agencies more interested in activity and outputs, and communities, in outcomes. This has long been a source of frustration to communities which press for accountability. More broadly, partnerships have been beset by the adverse consequences of mismatch between generic policy and community needs. The Assembly sees that it has been better placed than many community groups to advocate for better policy fit:

There have been that many movements in reaction to what Government has been doing to community – their models or versions of education, health, housing, just didn't fit the community model at any point. So that's why there were all these little groups that popped up everywhere. But I think the strength of the Assembly is to take all that into account, that's all good, but you're going to be fighting on your own.

Des Jones

With all formal partnerships to date, MPRA has been able to obtain government buy-in where initiatives are consistent with priorities under the policy regime of the day:

We put our stuff on the table, the government puts its stuff on the table, we built the agreement around the shared issues ... we parked the areas of inconsistency ...

Sam Jeffries

Nevertheless, frustration is often experienced as a result of the Assembly's strategic development work frequently being marginalised by government decision-makers at the expense of sustainable, positive change:

People over the years have tried to push the agenda but things have got worse. Surely our lived and learned experiences must count for something.

Smiley Johnstone

Activity versus genuine outcomes

Progress towards attaining the Assembly's ambitions has been slow, but patience is one of the cultural virtues the Assembly consistently models in working in partnership. The *Murdi Paaki Regional Plan 2016* documents a comprehensive programme of the changes communities have identified as being necessary if they are to attain their aspiration for improved outcomes in service delivery. Many of these relate to specific issues which will be addressed through targeted policy, programme and service responses. Others are an expression of the way the Assembly and CWP's wish to be seen by their partners, the way they need partners to respond, and the quality of the relationships thus formed.

The Assembly aspires to strategic alignment between its own strategic work and broader-scale planning instruments such as the NSW State Plan. The Assembly has grown deeply suspicious of mantras heard over many years asserting recognition that Aboriginal

communities know best how to address their issues; or that governments want to do things **with** Aboriginal people rather than **to** Aboriginal people. The Assembly feels a growing sense of urgency in relation to recognition that their solutions must be prioritised within the broader agenda of governments. Current arrangements for funding allocation is seen as non-strategic, and programme logic is perceived to be perverse, where it is able to be discerned at all:

A lot of the government funding is crisis funding. It's just like feeding the chooks – no plans; just chuck it out and hope to God it produces eggs.

Des Jones

Government has moved away from us, they haven't moved to us and it's frustrating because governments keep doing the same things that don't work. When are they going to listen to us about ways to achieve different outcomes? When are we going to get onto the transformational agenda – the 'big P' policies, the 'big P' practices?

Smiley Johnstone

The Assembly aspires to true two-way accountability around policies, programmes and services not just with governments but with the NGO sector, including the Aboriginal community controlled NGOs. Assembly delegates have grown accustomed to NGOs attending CWP's to seek and obtain endorsement for their funding bids, then failing to keep communication channels open in any way, let alone by reporting on outcomes:

I'm continually talking about the evaluation and monitoring of programmes ... [service providers are] looking for those letters of support from the community working parties to say yes, this programme's appropriate to go ahead for the community because it is in line with their Community Action Plans, but that's why I think it's important somewhere in the mix that we need to come back to ... having a monitoring and evaluation process put into place, around the service delivery ... the local service providers [are] not coming to the table and bringing their reports in about service delivery, or looking at better ways.

Grace Gordon

The CWP's find this particularly frustrating and are keenly aware of the exploitive nature of these relationships:

Accountability of service providers is essential if the community is going to progress. At the moment it's a box ticking exercise. The community requires data on services so that it can conduct its own research and arrive at its own conclusions and develop its own informed solutions.

Walgett CWP member

The question is how to get authority into the CWP so that service providers are forced to engage with us. IAS-funded organisations are not reporting to the CWP so the community is not aware of what is happening, what it should be receiving, how and when.

Wentworth/Dareton CWP member

Conversely, Assembly delegates find that their own organisations are constantly reporting against remotely-set performance metrics which do not reflect the outcomes sought by communities, and are perpetually disappointed that the funding agencies the organisations

report to regard this as a substitute for genuine engagement. The Assembly sees it as time to move to receive accountability from service providers to measures that reflect meaningful and transformative outcomes rather than activities, and that are relevant to community needs.

Service mainstreaming

As a consequence of experiences, under the IAS and other earlier funding programmes, of governments electing to source human services predominantly from non-Indigenous organisations, often faith-based, headquartered in metropolitan centres outside the Region, the Assembly has come to favour a direct commissioning model. The Region has experienced an ongoing decline in the number of Aboriginal community controlled services and, consequently, human capital, the skills base, and economic opportunity in communities.

The Assembly's view, as documented in the *Regional Plan*, is that it is imperative that governments support growth such that opportunities flow down to everyone in the communities of the Region.

While the spheres of MPRA and the CWP's unavoidably intersect with a number of mainstream NGOs which offer specialist health and human services; notably the former Far West NSW Medicare Local (now part of the Western NSW Primary Health Network), Royal Flying Doctor Service, Mission Australia, Red Cross, Burnside, McKillop Family Services, and Centacare, CWP's find some relationships with these NGOs to be exploitive and frustrating. MPRA's development and negotiation of a structured process for engaging with these NGOs on a similar basis to engagement with Government partners remains a work in progress.

The quality of relationships

The Assembly represents a vehicle through which departments, governments state and Commonwealth can activate or incorporate a social justice approach into their programme development. How do you ensure that you are able to accommodate the hopes, aspirations and viewpoints of local Aboriginal people? What structure do you put in place to do that?

Stuart Gordon

The Assembly has extensive experience working with all three tiers of government – with the Australian Government through the COAG Trial and RPAs, with the NSW Government through Two Ways Together and OCHRE, and with local government through the Barwon Darling Alliance. Partnership approaches have been productive at times; at other times, the Assembly has been more or less abandoned. The recent signing of the portfolio-specific LDM Accord with the NSW Government around Aboriginal social housing is seen by the Assembly as a potential game-changer in fostering an action-oriented partnership committed to an innovative approach to sector reform. In the context of the RAHLA, the government is yet to grasp the challenge of doing things differently:

The RAHLA is probably the closest thing we're getting to previous participative decision-making partnerships but it's painstakingly slow because government is incapable of delivering on a

reform agenda. At these RAHLA meetings, what annoys me is there's no sense of appreciation that there is a major problem which requires immediate action. Our investigations have exposed the whole disgraceful practices of the NSW Government in relation to Aboriginal social housing. Government should be ashamed of itself.

Smiley Johnstone

For Assembly delegates, it is a matter of frustration that partnership arrangements have continued to be transactional rather than transformational. Interaction is burdened with the constant sense that the Assembly and its government partners are talking at cross purposes. Assembly delegates feel plagued by what they see as governments' misconception that, by funding organisations or resourcing issues, they are engaging with community. The Assembly has never sought government funding for the sake of funding programmes; the aim has always been to have government invest in capacity and governance. There is a lesson in the fact that, from the Assembly's perspective, government has not seemed willing to take that investment approach. As the Assembly sees it, funding organisations is not the same thing as engaging Aboriginal people; it is buying a service through engaging with a corporate structure whereas Murdi Paaki is about the people of the Region.

While the Assembly does aspire to work in genuine partnership, and while access to funding facilitates its work, it does not rely on the ability to comply with a government agenda in return for funding in order to survive and continue to operate. There was, for example, the period post-COAG Trial when no funding at all was made available:

There was a point where there was no partnership with government, no funding agreement in place; the Assembly still continued to meet four times a year with resources from Maari Ma, Murdi Paaki Housing and MPREC. NSW Family and Community Services wanted to meet with us – they were told: "if you want to meet, you pay for it". There were no grants at all during this period. It would be great to have income streams not reliant on government, but Murdi Paaki expresses a relationship with government so government should resource the Assembly.

Sam Jeffries

A critical issue for the Assembly has been instability in policies, programmes and personnel. This is perhaps because one of the cultural characteristics of Aboriginal people in the Region is that they take the long view. The relative shortness of parliamentary terms is problematic; as is churn in the agencies the Assembly partners with as officers "blow in and blow out". The Assembly is constantly having to deal with 'institutional amnesia' – the recurring loss of corporate memory which comes with frequent changes of staffing in partner agencies. This is not only a problem at a day to day level around consistency in approaches to planning and delivery of programmes and services; it also impacts on recognition of the Region's proud history of representation and governance and ensures that Aboriginal people are forever having to push back against the racist and unthinking assumption that the Region's structures and processes are new and unproven.

Breakdown in internal communication within government, which is in part a consequence of inadequate arrangements for continuity within agencies, confounds the policy-setting/decision-making/service delivery framework, bringing with it the risk that agency responses to MPRA and the CWP lack coherence and accuracy. The Assembly's perception

is that the middle management does not communicate the message coming from community to officers who have decision-making and policy-setting responsibilities at senior executive and ministerial levels or, equally crucially, translate ministerial commitments to the Assembly into action. Further, a reluctance to act on Assembly and CWP feedback and pursue accountability of under-performing service providers calls into question the integrity of some of these arrangements. These issues contribute to a lack of trust.

The Assembly is acutely sensitive to the way that language is used to justify broad brush application of generic policy settings and practice to Aboriginal people, and to the way in which the Aboriginal community development discourse constructs any resources, government or otherwise allocated to Aboriginal programmes and projects as welfare or, worse, charity. This causes bitter resentment:

"Oh, we're here to give a hand up, not a hand out". Who's to say we're on the canvas? Who said that we need a hand up? "We're here to build up the capacity." No, you are here to build on the capacity we already have. This is the language that can stall development. In their minds, and their funding agreements, they've come here to help us – save us. Save us from ourselves. So the Assembly has stood firm against all the slogans, the buzz words that have been thrown around. The goodwill of the football club or the good will of whoever else – to do these wonderful little things in our communities. It's all this welfare approach – that we're not capable of doing things ourselves, that we have to have this support. The message from the general person – the taxpayer : "We're giving these people a great start to life". They call it public moneys and taxpayers money to try to make us feel guilty. It's laundered money from stolen wealth, resources. The wealth we had here has been harvested, spun around into this pretence that it's taxpayers' money coming back to help unfortunate Blacks. It's charity and we should be grateful that we're getting these crumbs – we should be grateful that people are doing it.

Des Jones

There is a desire on the part of the Assembly to have first-hand contact with government, to have government agencies at Assembly and CWP meetings to explain their policies, programmes, funding and the like but agency staff are often not sufficiently aware of their departmental policies to provide informed advice. The Assembly and CWPs frequently find themselves responding to senior bureaucrats who have little knowledge of the conditions communities experience. Progress is very much personality-driven. The Assembly finds that senior officers may have discretion on a policy front but are risk-averse and therefore reluctant to drive change. Aboriginal bureaucrats, in particular, become conflicted because of their dual allegiances. As a result of all of this, it should be unsurprising that the Assembly has come to perceive that decisions on programmes, projects and services are already made when they reach the table. From the Assembly's perspective, government articulates strategy which is already tightly defined and badged, and does so by communicating labels rather than content. A more effective approach would be to approach the Assembly with a proposition for co-design of specific strategy for delivery in the remote and very remote geography of the Region, through the pathways identified in the Assembly's *Engagement Protocol*. This approach is seen as having the potential to resolve the issues of disconnected thinking and rampant duplication.

The Assembly values culturally relevant ways of knowing and deciding needs – from delegates' observations, government does not. Delegates observe a fundamental difference between the way in which government and communities approach the development of knowledge used as the foundation for decision-making. For communities, decision-making will rely to a greater degree on qualitative evidence which is culturally and practically better adapted to describe multiple needs requiring a holistic and complex response. Communities decide their priorities and these flow into the Regional Plan.

Governments, on the other hand, tend to focus more on quantitative data as the basis for deciding policy and allocating resources; often without adequate benchmarking to measure progress. Further, data available for analysis by governments is generally provided by people who are prepared to engage with government. The collection of quantitative data is not necessarily well targeted to capture a community perspective on what is needed because data collected are often not representative. Communities, as a result of excessive exposure to research which does not benefit them, are often reluctant to provide data, even if it is intended to substantiate need. Government, as the Assembly sees it, then analyse data internally, take advice from internal 'experts', and make policy or strategy without recognising or responding to the expertise in communities. In doing so, government is seen to create a disconnect between community and the policy and service, thus producing a serious risk of policy failure and unintended adverse consequences.

The Assembly has expressed its desire for co-design of methodologies for collection and use of data to inform decision-making and evaluation. A collaborative approach could assuage community reluctance to participate in data-gathering exercises. Genuine collaboration is likely to address the Assembly's problem with agencies failing to take MPRA seriously, and disregarding Regional Plan initiatives and CAPs. The Assembly also seeks to encourage a policy learning culture in its partners:

Why go back to the start every time a programme or policy changes? We should be able to apply learnings from previous policy frameworks. We understand that personnel change, but when are the agencies going to embed learning in policy? We have to grow on what is there, not go back to the start.

Grace Gordon

A particular problem for the Assembly and the CWP is the way in which agencies conduct community business informally at Assembly meetings. Doing business one-on-one during breaks, away from community, bypasses the formal community engagement protocol, and results in the record of business becoming fragmented or distorted, or both, with consequent implications for accountability. It is unclear to delegates to what extent this practice is unthinking (versus motivated by a desire not to engage with community within the Assembly's *Engagement Protocol*). More broadly, field staff devise ways to bypass engagement with the Assembly and CWPs, and communities at times perceive a deliberate strategy to ignore them. At its worst, this behaviour becomes a platform for dividing community.

We talk about communities a lot at MPRA meetings. Bureaucrats do come to MPRA with community issues. There should be a circular process where the regional manager or head

office agency staff bring a regional issue to the Assembly and then regional staff go to the CWP when there is a local issue for action by field staff. Agency personnel come to the Assembly meetings and talk in the meeting about regional matters, and then talk in breaks with delegates about local issues.

Alan Cobb, Lightning Ridge CWP Chairperson

It causes conflict in the community – agencies have side discussions outside of the meeting but won't bring the issue to the CWP – they use the Assembly meeting breaks as an informal channel to discuss local matters outside of the CWPs – the pool issue at Weilmoringle is an example. Or they catch up by visiting the chair at home, not attending the CWP. Nothing goes on the record.

Anthony Knight, Weilmoringle CWP Chairperson

The Assembly's relationships with local government merit a particular focus. With the exception of the Barwon-Darling Alliance, communities have found it difficult to forge meaningful connections with local government councils in the Region. The Assembly is conscious of the equity issue arising from the fact that councils receive an element of Financial Assistance Grant funding on the basis of their Aboriginal population yet are unwilling to engage. CWP members are able to cite numerous examples of projects initiated and developed by CWPs for which local governments have claimed credit; with few exceptions, councils are happy to exploit CWPs' knowledge and ideas without acknowledgement. There is no overarching strategy which requires councils to consider relationships with their Aboriginal constituents beyond the superficial mechanism of *Community Strategic Plan* preparation. Councils in general seem unable to see and harness the potential that resides in the community yet the Aboriginal population is increasing while, at least in smaller local government areas, the non-Aboriginal population is ageing and declining.

Recognition

Attracting a response which adequately reflects partners' understanding of the unique attributes of the Assembly continues to be a challenge. Although governments state a desire to engage, the Assembly has rarely had the sense that its structures and approaches have resulted in targeted policies or resource allocation. The Aboriginal peoples of the Region, through their representative bodies, have been making well-researched, evidence-based strategy continuously for over a quarter of a century. The Assembly would expect recognition of this skilled approach to planning to result in a tailored response from governments. Instead, experiences with successive initiatives which government partners have supported reveal benefits tending to flow from, rather than to, the Region:

Government agendas have not recognised our planning process. We're treated under funding just like everybody else – you put your submission in, they give us the same amount of money to run the Assembly now as they give communities. There's another programme – Empowered Communities. We get the same money as they get. So – we're not recognised for our capacity or our intellect or anything, it's just "You blackfellas, you get that much; you blackfellas, you'll get that much too". There's no recognition of our capacity – it's a low point.

Des Jones

The COAG Trial is a useful example. Positive outcomes of the Trial included the MPRC's, then the Assembly's ability to secure a co-ordinated government approach to engagement, the preparation of Community Action Plans, and support for the CWPs through the River Towns Programme but, at the same time, little in the way of additional resources flowed to meet the needs of the communities as documented in their plans. In their Plan, the Weilmoringle CWP asked for a process of conflict resolution and mediation to support them to resolve differences between the two ends of the community. Instead, they received a swimming pool which they are still unable to use.

Similar frustrations continue to arise from the experience of the NSW Government's LDM Accord process, where the Assembly has until now been treated identically to all of the recently formed Regional Alliances in NSW, and the Australian Government's approach to partnership in parallel with the *Empowered Communities* initiative which has not, to date, led to an innovative basis for resourcing matched to the Assembly's capacity for identifying and articulating community needs.

The Assembly has a realistic appreciation of the capacity which resides within the Murdi Paaki model of community-led governance, and aspires to its partners similarly recognising the Assembly's and the CWPs' strengths and responding accordingly:

We have a highly evolved form of governance. A lot of the departments don't know how we do it but there is high expertise sitting around the table, with a wealth of knowledge and good leadership.

Jason Ford

11. The Future

The evolution of the Murdi Paaki model for community-led governance has spanned almost 30 years; the model continues to progress to meet the challenges of governance as these advance and retreat over time. Over these three decades, Murdi Paaki Regional Assembly and the Community Working Parties have continued to hone their ability to provide culturally relevant leadership with rigour, vision and intellect. These purpose-built governance arrangements have endured a shifting political landscape. The complexion of governments changes with the rhythm of the electoral cycle; and Indigenous affairs administration with the policy imperatives of the day. The one fixed point in the eddying current of Aboriginal affairs administration throughout this period has been the Murdi Paaki Regional Assembly and, prior to 2005, its predecessor ATSIC Murdi Paaki Regional Council.

Throughout its existence, the Assembly has been required to prove its credentials over and over as it has had to contend with ongoing churn in the personnel it deals with and, consequently, the corporate amnesia which characterises its partner agencies and organisations. Against this shifting scene, the Murdi Paaki mob have been utterly consistent in their approach to building evidence and making strategy to advance the interest of communities in the Region; a review of successive Murdi Paaki Regional Plans is evidence of that consistency. The Assembly is strong not only because of the collective cultural values that underpin its existence but because it has continued to articulate its unchanging purpose clearly and unwaveringly.

Two of the fundamental shared cultural virtues of the Aboriginal peoples of the Region bring to the Assembly are patience and hope. The Assembly, among its many capabilities, has a talent for playing the long game; it has needed to do so in the light of the history of policy reversals over the last thirty years. Now, notwithstanding the disappointments and frustrations of its engagements with governments, the Assembly is hopeful that its highly evolved form of leadership, engagement, governance and strategic development are to be recognised in its current and future negotiations, and that inequalities in resource capacity which have dogged its relationships with government partners will be a thing of the past. The Assembly has experienced highs and lows over its history, and its appreciation of the factors which have contributed to the more and less productive periods is crystal clear. For the first time since the abolition of ATSIC, the Assembly has a funded and resourced operational capacity. The *Murdi Paaki Regional Plan 2016* is being actioned; a Local Decision Making Accord has led to the first purpose-specific joint governance body in the social housing space; and a heightened level of interest in the Assembly's work is showing promise for a more fruitful approach to Local Decision Making Accord II negotiations.

The Assembly sees the *Murdi Paaki Lessons Learned* project as providing an opportunity both for government partners and for others seeking to develop community-led governance elsewhere to obtain useful insights into the highs and lows experienced over the last three

decades. More importantly, though, through this volume, the Assembly delegates seek to convey their pride in the achievements of almost 30 years of the ever-evolving Murdi Paaki model, and to document the legacy they leave to future leaders. Delegates are keenly aware of the debt owed to past generations of activists, and aspire to convey a sense of the continuum of Aboriginal leadership in the Region to their children, grandchildren and on through future generations. The Assembly is optimistic about the future: about emerging leaders' capacity to lead, and about the fact that they are likely to take approaches to leadership that differ from the ways of their Elders. While delegates are realistic about the amount of work still to be done, they foresee a very different and far more fulfilling future for future generations.

NOTES

Chapter 2 – The Region and its Peoples: Setting the Scene

1. A detailed commentary of pre-contact population and colonisation impacts can be found in Pardoe (1990) and Beveridge (1883).
2. Pardoe (1990), Allen (1974), Kefous (1988), Mulvaney & Kamminga (1999), Martin (2001), Memmott (1991)
3. Burns (2006), Mitchell (1965 (1839)), Eyre (1985), Sturt (1833; Sturt 1849a; 1849b), Martin (2001)
4. Martin (2001), Hardy (1969; 1981), Goodall (1996)
5. Goodall (1996), Hardy (1981)
6. Goodall (1996), Long (1970)
7. Good resources now exist online for identifying former reserves and government station. The most definitive dataset has been assembled in the course of an ARC-funded project, *The NSW Aborigines Protection/Welfare Board 1883-1969: A History*, by researchers Professor John Maynard, Professor Victoria Haskins, Dr Lawrence Bamblett, Dr Lorina Barker, Professor Jakelin Troy and Dr Ray Kelly, assisted by Lachlan Russell. An interactive map of the data documented by this project may be found at AIATSIS (2018).
8. Goodall (1996), Martin(2001), Mathews (1988)
9. Burns (2006), Hardy (1981), Donaldson (1985), Beckett (1965a), Memmott (1991)
10. Goodall (1982). Heather Goodall, in her PhD dissertation, documented a wealth of detail about the APB's actions in the Region, and Aboriginal people's resistance and political activism, in the 1930s. The entire dissertation is downloadable from <https://ses.library.usyd.edu.au/handle/2123/1601>.
11. Martin (2001)
12. Goodall (Goodall 1982; 1996), Rintoul (1993), Burns (2006)
13. Goodall (1996), Kamien (1978), Beckett (1978), Hardy (1981)

Chapter 3 – On the Shoulders of Giants

14. Goodall (1982), Horner (1994)
15. Goodall (1982), Horner (1994)
16. Goodall (1982), Horner (1994)
17. Goodall (1982), Horner (1994)
18. Goodall (1982), Horner (1994)
19. Goodall (1982), Horner (1994)
20. Goodall (1982), Volkofsky (2018)
21. Goodall (1982)
22. Goodall (1982)
23. Goodall (1982)
24. Goodall (1982), Long (1970), Beckett (1965b), Burns (2006)

25. A mass of legislative and administrative material, including APB and AWB Annual Reports, has been preserved by AIATSIS, and is available in digital form at AIATSIS (2019). This collection, together with the AIATSIS Dawn and New Dawn archive (New South Wales Aborigines Welfare Board 1952-1975), has been drawn on for this section.

26. AIATSIS (2019), Goodall (1982), Long (1970), Burns (2006)

Chapter 4 – The Early Days of Representative Governance

27. Considering the significance of the NACC and NAC as the first national elected bodies, there is not a large amount of published information readily available. This section draws on the extensive media archive on Professor Gary Foley's resource *The Koori History Website* (Foley 2019) and on the New Dawn archive (New South Wales Aborigines Welfare Board 1952-1975).

28. Aboriginal and Torres Strait Islander Social Justice Commissioner (2008), Foley (2019)

29. Aboriginal and Torres Strait Islander Social Justice Commissioner (2008), Murphy (2007)

30. Aboriginal and Torres Strait Islander Social Justice Commissioner (2008), Foley (2019)

Chapter 5 – The ATSIC Years

31. ATSIC Murdi Paaki Regional Council (1994)

32. ATSIC Murdi Paaki Regional Council (1997)

33. It is important to note that the NSW Government held primary responsibility for Aboriginal community housing with ATSIC providing supposedly supplementary environmental health and infrastructure programmes targeting remote and disadvantaged communities.

34. Burns Aldis (1996)

35. ATSIC Murdi Paaki Regional Council (1995)

36. Jeffries & Menham (2008)

37. Burns Aldis (1999)

38. Aboriginal and Torres Strait Islander Commission (1999)

39. Djerrkura *et al.* (2000)

40. Jeffries & Menham (2008)

41. Stewart & Bradberry (2002)

42. Jeffries & Menham (2008)

43. Jeffries & Menham (2008)

44. Urbis Keys Young (2006)

45. Morgan Disney & Associates (2006)

46. Urbis Keys Young (2006)

47. Urbis Keys Young (2006)

48. Urbis Keys Young (2006)

49. ATSIC Murdi Paaki Regional Council (2002)

50. Australia, Senate Select Committee on the Administration of Indigenous Affairs (2005)

51. Australia, Senate Select Committee on the Administration of Indigenous Affairs (2005)

- 52. ATSiC Murdi Paaki Regional Council (1995)
- 53. Jeffries & Menham (2008)
- 54. Jeffries & Menham (2008)
- 55. Jeffries & Menham (2008)
- 56. Murdi Paaki Regional Assembly (2006)
- 57. Gilbert (2012)
- 58. Burns Aldis (2015)

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