



CHARTER OF GOVERNANCE



**MURDI PAAKI
REGIONAL
ASSEMBLY**

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ACKNOWLEDGEMENT

The Murdi Paaki Regional Assembly acknowledges the First Nations peoples as Traditional Custodians of the Murdi Paaki Region on which we meet and work, we pay our respect to Elders Past, Present and Emerging. May we work together to build a future based on compassion, justice, hope and reconciliation.

1. Purpose of this document

This Charter sets out:

- The Murdi Paaki Regional Assembly (**Assembly**) community and regional governance framework
- The roles, responsibilities, and expectations for members of the Assembly and the intended functioning of the Assembly
- The collective regional leadership objective that the Assembly will provide the highest standards of governance, accountability, advocacy, and direction in its representative structure to:
 - Take ownership to support the principles of responsibility, strong leadership, commitment and building strong partnerships;
 - Facilitate discussions about holistic approach of services provision to Aboriginal people in the Murdi Paaki region by government and other bodies, through coordination and partnership arrangements, in order to achieve more effective community outcomes to ensure resilience and address the disadvantages.

2. Who we are

The Murdi Paaki Regional Assembly is the Peak First Nations Governance body for the Murdi Paaki Region, in North and Far Western New South Wales, representing the interests of First Nation peoples living in the region.

The Assembly performs a crucial role as both a 'gateway' and 'checkpoint' to assure the implementation programs that are providing services for First Nations people at the regional and community levels.

Our Metaphor for Governance: We are Murdi (blackman), the Assembly reflects Paaki (river) that connects our sixteen communities. The river is a metaphor of what success looks like, a healthy river that provides and reaches its destination. In order to continue to provide for our communities we need to ensure the river is healthy, meaning our governance is strong and effective. Our communities rely on us to provide the tools and support necessary just like the people and ecosystems that rely on the river.

The items outlined in this charter will guide us to reach our destination and continue to provide to our communities. It is critical that members understand this, that as a member of the Assembly you are the Paaki and must always act in the best interests of our communities and region.

Brief History of Our Name

Murdi Paaki (pronounced '*murddy parky*') means "blackmans river", some words have different meanings across the different Nations and 'Murdi Paaki' is also known as 'Muddy River'. It was a name that was selected by the newly created ATSIC Regional Council which came from amendments in 1993 to the ATSIC Act 1989 to amalgamate the former Wangkumara and Far West Regional Councils into a single Council.

For election purposes, two words were kept in the names of the previous Councils. The words for the name were taken from the two sub regions, "Murdi" (blackman) from the top end, "Paaki" (river) from the bottom end. The Council identified the most common theme of the region that we all related to, The Barwon-Darling (*Baawan-Baaka*) river system. The river, enters the region in the northeast near and through Collarenebri, further working its way through Walgett, Brewarrina, Bourke, Wilcannia, Menindee and exiting into the Murray at Wentworth.

Establishing jurisdiction

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

The charter is part of a wider process of establishing jurisdiction for First Nations Peoples in the Murdi Paaki Region in our relationships with Government and the Australian community. Establishing jurisdiction involves governance arrangements at the regional and community levels within the Australia's federal system of Government. These arrangements will flow from further consultation, discussion, debate and deliberation by communities and people.

Inter-governmental arrangements

We seek to give expression to our vision within the Local Decision Making Framework, NSW Government *OCHRE* Policy and the National Indigenous Australian Agency. Expressed through these policy frameworks, the Australian and New South Wales Governments are committed to working together to achieve better outcomes for Aboriginal and Torres Strait Islander people in New South Wales.

The principal aim of policy frameworks are to create mechanisms to promote joint planning,

and improve and streamline service delivery so that appropriate services are accessible to First Nations Peoples.

Also, the policies set out strategic approaches for joint and innovative action by the governments in partnership with communities. Priorities identified by the State and Federal Government will complement priorities identified at the local or regional level by communities.

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

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

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

Building regional governance

The strategy for First Nations jurisdiction is built on a number of ideals:

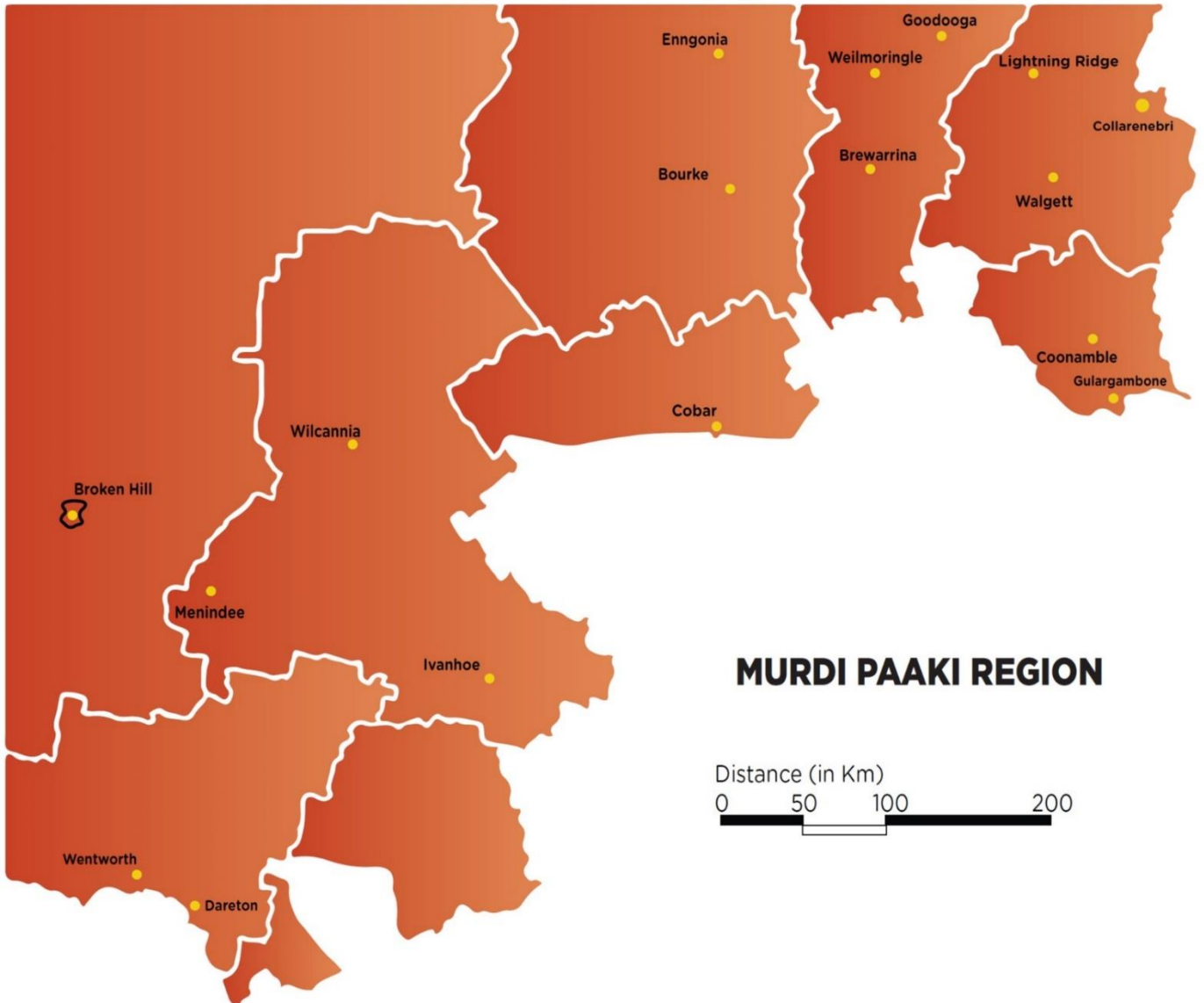
- First Nations sovereignty
- Self – determination
- Leadership and recognition
- Regional autonomy and authority
- Creating the environment for community governance
- Community and regional constitutions
- Community and regional charters for First Nations jurisdiction

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

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

Our governance arrangements are embodied in the Murdi Paaki Regional Assembly (MPRA), the MPRA constituents Community Working Parties (CWP) and their linkage with grass roots community and service provision. The CWP embody ideals and the way of doing business in accordance with First Nations tradition. They ensure participation in government decision making on those matters that are fundamental to our lives and well-being.

a) Our region



b) Our vision

To maintain First Nations jurisdiction in the Murdi Paaki region based on recognition of our human rights as First Nations Peoples, political, social and cultural respect for Aboriginal and Torres Strait Islander people in Australian society and equitable participation in the economic development in the Murdi Paaki region.

c) Our Strategies

Our vision will be achieved by:

- Exercising our self-determined rights and freedoms as First Nations Peoples
- Working through the Community Working Parties as the peak community bodies and primary points of First Nations community contact across the region.
- The good governance and administration of our regional governing body and ancillary organisations

- Working in equitable and respectful partnership with governments and private bodies at all levels
- Strengthening and preserving our culture and heritage
- Supporting and enhancing the living standards of our people and communities
- Working together towards self-sufficiency in all of our activities and in each other's interest
- Offering government and other stakeholders a legitimate representative community-controlled structure to secure effective investment in communities to support individuals and families
- To Improv and empower the wellbeing, health, education, social, emotional and economic outcomes of service delivery for all our people in the Murdi Paaki region.

d) Our Goals

Our goals are to:

- Ensure First Nations people participate in all decision- making that affects our lives
- Connect First Nations people with all service delivery arrangements
- Have a legislative regime which reinforces the connection between First Nations participation and accountable service delivery by government agencies to provide an authoritative and consistent framework of shared responsibility and accountability
- Influence and control the way policies and services are implemented

e) What is good governance?

The declared commitment of the Murdi Paaki Regional Assembly is to overcome the social and economic disadvantages experienced by First Nations peoples and ensure a better standard of living for us must be pursued within a self-determination framework where First Nations peoples in the Murdi Paaki Region have control over the decisions that affect us through structures determined by our people. This is what we call good governance.

Good governance means all Assembly members are complying with the general law and legal duties and carrying out their role and all Assembly business in the interests of the Assembly and their communities and in accordance with any Assembly policies and procedures. The NSW Local Decision Making model supports the active adoption and implementation of good governance principles.

The governance of the Assembly is undertaken by the Chairperson and members. The governance of the Assembly is different to the everyday work of the Community Working Parties (CWP/Assembly Members are voluntary positions). The Assembly makes strategic decisions, and the Independent Chairperson and Secretariat action the governance decisions.

Decisions made by the Assembly includes setting strategic directions, whether to take disciplinary action against a member, and what activities to undertake.

Some broad principles of good corporate governance¹ which are important for the Assembly even though it is not a company include having:

- a purpose and strategy lined up with activities
- roles and responsibilities that are clear
- the right Assembly composition so it can operate effectively

¹ See “*Not for Profit Governance Principles*” developed by the Australian Institute of Company Directors.

- an effective Assembly assessed through regular evaluations including in the use of its resources
 - effective risk management through informed decision making
 - accountability and transparency by providing clear and regular information to stakeholders
 - stakeholder engagement that is clear, meaningful and effective
 - conduct and compliance expectations that are understood and respected by all members
 - a culture of support for purpose and strategy.
- Many of these principles are part of the Code of Conduct for the Assembly which can be found at section 12 of this Charter and the Conflict-of-Interest Policy and Procedure which can be found at section 13 of this Charter and which apply to all members of the Assembly, including the:
 - **duty to act in the best interest of First Nations peoples in the region and the communities the Assembly members represent;**
 - **duties not to misuse position or information to gain an advantage for members or a third party, directly or indirectly**, especially noting the sensitive or confidential nature of information members may receive (including commercially sensitive information) and which must not be shared;
 - **duty to disclose conflicts of interests:** this arises if a member is presented with an opportunity to use their position for their own personal benefit or for the benefit of a third party (such third party can be another individual or another organisation) in a way that conflicts with their duty to comply with the Code of Conduct and act in the interests of the region or could be perceived as causing a conflict.

3. Our core principles

a) We are community driven

- Through our community grounded ness, and our resolve to manage our own affairs, build sustainable communities and determine our own future by ensuring full participation in government decision making and service delivery on all matters that are fundamental to our lives, wellbeing and individual cultures including our spiritual journey.
- As the primary point of First Nations community contact in our region.

b) We are the regional autonomous authority

- As the peak regional body and primary point of First Nations community contact in our region.
- Based on our sovereignty and culture and self-determining governance, that continues to build and support a consistent framework of shared responsibility to reinforce the vital connection between First Nations peoples' knowledge, participation and accountable service delivery by government
- As demonstrated by our leaders who are the Chairpersons and representatives of Community Working Parties across the North and Far West of NSW.

c) We are relationship builders

- Based on our close connection to community, especially the Community Working Parties
- Based on relationships with our stakeholders through the observation of our cultural and engagement protocol²
- Community are our driving force

² A copy of the Murdi Paaki Engagement Protocol is available at section 9 of this Charter. A high-level diagram of the different levels of internal and external stakeholder engagement and management that the Assembly is involved in is set out at section 10 of this Charter.

4. Roles & responsibilities

a) Community Working Parties

As the foundation of the Assembly, Community Working Parties provide the local bodies for representation and decision-making in the Assembly. There are 16 Community Working Parties in the region. Any First Nations person in the community is entitled to be a member of their local Community Working Party and, in some communities, Aboriginal community-controlled service providers are also able to be represented.

The Community Working Parties structures should be representative and transparent. The Community Working Parties themselves decide their structure and composition, and they also determine how the Community Working Parties operate. They have their own Terms of Reference as determined by the Community Working Party and can also decide to adopt other policies and procedures such as a Code of Conduct or a Conflict-of-Interest Policy. Community Working Parties are encouraged to adopt processes to manage their own conflicts appropriately, especially as many people in the community wear different 'hats' for example, by being employees or being involved in different Boards and organisations. This flexibility is intended to maximise the local autonomy of Community Working Parties, ensure that they reflect local structures of cultural authority and political legitimacy, and ensure that they are primarily responsive to their communities. Community Working Parties should also consider having written guidelines that explain to all members of the Community Working Party, as well as stakeholders and Government more broadly, how they intend to operate together (including having a safe space, open discussions, a code of conduct) to get better outcomes for community.

Community Working Parties are responsible for electing a member to be a representative on the Assembly. A person who wishes to stand for selection as the Chairperson of a Community Working Party must be present at the meeting where this decision is made, in order to sign off on and agree to the appointment. Usually, the Chairperson of each Community Working Party will become a member of the Assembly. Elections for the position of Chairperson are open to all First Nations community members residing in that community with the exception of the Dareton/Wentworth CWP who cover the 9 communities in the Wentworth shire. Community Working Party Chairs and members are volunteers, but each Community Working Party Chair is paid an accommodation and travel allowance to cover costs when they are involved in negotiations as Assembly delegates. All their other work as a Chairperson and as an Assembly delegate is unpaid.

Role of Community Working Parties

- Provide a tailored self-determined governance/leadership model as decided by the local community.
- Provide a critical link between the Assembly as a whole, service providers and the community on the ground.
- Represent and advance the interests of the community, individuals and families.
- Engage with Commonwealth, State, local government and First Nations organisations regarding the provision of services and to articulate community goals, aspirations and priorities.
- Collaborate with other Community Working Parties on common issues such as service provision, and to escalate matters to the Assembly to seek broader support as well as to inform the broader Assembly of the issues.

Responsibilities of Community Working Parties

- Hold quarterly Community Working Party meetings (or more frequently as required) to consult with the local community on issues of significance to them, as well as to consult and update the Community Working Party on relevant Assembly business and provide that feedback to the Assembly.
- Elect a representative to the Assembly for a 4-year term (usually the Chairperson of the Community Working Party).
- Nominate a delegate to attend Assembly meetings if the Community Working Party Chairperson is unavailable. If this does not occur, the Chairperson may nominate a delegate for this purpose.
- Determine community needs and priorities and prepare a community action plan to achieve the community vision.
- Sustain the practice of community governance including adopting Terms of Reference, as well as any other policies, procedures and guidelines.
- Undertake strategic planning, advocacy, and service delivery negotiation with stakeholders including government, and represent the voice of the community at the regional level.
- Elect a new Chairperson if:
 - the Community Working Party Chairperson steps down from their position; or
 - the Community Working Party Chairperson has not attended 3 Assembly meetings in a row without the approval of the Assembly.

As either of these events trigger a Community Working Party Chairperson “refresh”, meaning a new Community Working Party Chairperson must be elected by that community. The “refresh” will be supported by the Assembly Independent Chairperson who will attend the “refresh meeting”, as well as by the Secretariat who will facilitate the meeting with the guidance of the CWP.

If a Community Working Party decides not to work with either the Assembly or Murdi Paaki Services Limited, the community will still have a ‘seat at the Assembly table’. If the conflict or decision made by that CWP cannot be resolved, the Assembly may direct Murdi Paaki Services Limited and the Independent Chairperson to engage with the community to find out whether there are other community members who require support and assistance to establish a new Community Working Party that will be affiliated with the Assembly (and Murdi Paaki Services Limited, which is the operational arm of the Assembly).

b) Assembly members

The Assembly membership is drawn directly from communities through the 16 Community Working Parties, Each Assembly Member is usually the Chairperson of their respective Community Working Party.

Role of Assembly members

- To represent their community’s interests at the regional Assembly level for a four-year period.
- To work in the best interest of all First Nations people living in their community and the region in accordance with the Assembly Code of Conduct (see section 12 of this Charter) and any other policies and procedures.
- To encourage service coordination, develop partnerships and networks that benefit communities and achieve outcomes outlined in the Regional Plan.
- To advocate for and support service delivery that is culturally appropriate and meets the needs of communities.

Responsibilities of Assembly members (or their delegate)

- To contribute to the development and implementation of a regional Assembly plan that supports
- local development and opportunities aligning with the needs of communities across the region.
- To comply with the Assembly Code of Conduct when conducting Assembly business.
- To attend all Assembly meetings (usually quarterly).
- To ensure that a quorum of at least 9 members is maintained at all times for Assembly meetings in order for Assembly business to be able to be conducted.
- If members are unable to be present for a meeting, they must send an apology to the Assembly Chairperson within a reasonable timeframe and advise the Secretariat of the name and contact details of their nominated delegate who will attend on their behalf and brief the delegate, so that the views of the community are presented to the Assembly, and the delegate can report back to the local community on the outcomes of the Assembly meeting after the meeting has ended³.
- To read all available meeting papers prior to attending the meeting so that good decisions can be made in a timely manner.
- To facilitate compliance with any requirements such as key performance indicators for any Assembly funding agreements.

c) The Assembly

- The Regional Assembly membership is drawn directly from communities through the 16 regional Community Working Parties (CWP), The full membership of the Assembly is as follows: 16 Community Working Party members elected by Aboriginal people (it is customary for the Chairpersons of the Community Working Parties to become a member of the Assembly)
- An Independent Chairperson
- Up to four youth representatives from the Murdi Paaki Young Emerging Leaders Assembly (these four representatives have one vote only)
- Three elected councillors of the NSW Aboriginal Land Council that cover the region (these three
- councillors have one vote only)

Role of Assembly

- To respect, maintain and recognise the special and unique customs and beliefs of the First Nations peoples living in the region.
- To advocate in the best interests of First Nations people in the region.
- To determine and implement regional priorities.
- To assist, advise, and co-operate with the Commonwealth and State, Territory and local Government bodies and any other stakeholders in the implementation of the Murdi Paaki Regional Plan.

Responsibilities of Assembly

- To formulate, and update a Regional Plan to improve the economic, social, and cultural status of First Nations individuals and communities of the region.
- To report to Community Working Parties on the operations of the Assembly, Commonwealth, State, and Local Government, as well as

- other non-government agencies and organisations.
- To monitor the implementation and effectiveness of programs and services delivered by government and non-government agencies for First Nations people living in the region.
- To contribute to the co-ordination of the activities of State and local government bodies that affect First Nations people living in the region.
- To develop policy proposals to meet national, State, regional, and local needs and priorities of First Nations people living in the region.
- To report on the achievement of outcomes

d) Murdi Paaki Services Limited

The Assembly is a formal affiliation of Aboriginal communities and, as such, purposely does not have legal standing nor can it enter into binding agreements with governments and others.

To enable a greater level of participation in operational matters and to provide governments with improved opportunities to innovate and invest in Aboriginal people of the region, the Assembly established Murdi Paaki Services Limited (**MPSL**) as an independent professional legal entity under the sole ownership and governance of the Assembly. MPSL is a not for profit public company limited by guarantee.

Under the MPSL Constitution, the Board of MPSL is made up of 6 Assembly members, together with a Director who is a member of the Murdi Paaki Young Emerging Leaders Assembly plus one Independent Director being the Chairperson of the Assembly. The Chairperson of the Assembly generally becomes the Chairperson of MPSL as stated at clause 5.9(b) of the MPSL Constitution. A copy of the MPSL Constitution is available at section 8 of this Charter, and a diagram showing the Assembly governance structure and linkages with MPSL is available at section 11 of this Charter. All Assembly members are eligible to become members of MPSL.

Role of MPSL

To oversee the implementation of the Murdi Paaki Regional Plan under the oversight of the Board of MPSL and as the operational arm of the Assembly.

Responsibilities of MPSL

To support the political, cultural, economic and social objectives of the Assembly by:

- Fostering relationships with all levels of governments with a view to positively influencing the planning, design, delivery, monitoring and evaluation of services to benefit First Nations peoples;
- Obtaining, auspicing and acquitting funding for priority projects of regional significance
- Obtaining and reviewing information to identify and remedy gaps, inefficiencies and inequities;
- Conducting ongoing research and evaluations relating to socio-demographic and economic issues of interest or concern to the Murdi Paaki Region.

e) Independent Assembly Chairperson

The Independent Chairperson of the Assembly is selected by the Assembly members for a 4 year term. Unlike the role of Chairpersons of the Community Working Parties, the Assembly Chairperson is an advertised position and is a remunerated role.

Role of Independent Chairperson

The overarching role of the Assembly Chairperson is to provide leadership and guidance to the membership of the Assembly as a 'first among equals'.

Responsibilities of the Independent Chairperson

Assembly Meetings

- Providing strong and effective leadership to the Assembly
- Chairing Assembly meetings
- Facilitating proper information flow to the Assembly
- Progressing action items as appropriate
- Facilitating the effective functioning of the Assembly including managing the conduct, frequency and length of meetings
- Ensuring the Assembly focuses on its key tasks
- Holding members to account in their observance of the code of conduct
- Coordinating the agenda with Assembly members
- Communicating the views of the Assembly to stakeholders and the public

External:

- Liaising and meeting with stakeholders at the direction of the Assembly
- Representing the Assembly on official business
- Reporting back to the Assembly members
- Overseeing the implementation of the Regional Plan
- Attending Community Working Party meetings
- Supporting Community Working Party operations
- Conducting Community Working Party Chairperson "refreshes" (without any voting rights at these meetings)

5. Constitution of the Assembly

a) Assembly Membership and voting

Membership of the Assembly is made up of the:

- 16 Community Working Party members elected by Aboriginal people (it is customary for the Chairpersons of the Community Working Parties to become a member of the Assembly).
- an Independent Chairperson.
- four youth representatives from the Murdi Paaki Young Emerging Leaders Assembly (MPYELA) (these four representatives have one vote only):
 - The MPYELA Chairperson may also be the deputy Chairperson of the Assembly.
 - The MPYELA views and its vote represent the views and interests of all First Nation Youth across the Assembly region on decision making and policy setting and are not limited to the communities in which the representatives live.
- three elected councillors of the NSW Aboriginal Land Council that cover the region (these three councillors have one vote only).

b) Notice of Assembly meeting

- Members will receive notification of meetings 4 or 5 weeks prior to the scheduled meeting date.

- Members must confirm their attendance at an Assembly meeting 2 weeks prior to the meeting.

c) Agenda

- The agenda is the list of items and topics that will be discussed during a meeting.
- The Secretariat is responsible for the development and distribution of the meeting agenda through the Chair.
- Assembly members can request the agenda once it has been approved by the Assembly Chair.

d) Meeting attendance

- All Assembly members from the Community Working Parties (or their delegates) are expected to attend all meetings (preferably in person, however, remote attendance using online technology may be requested and will be facilitated by the Secretariat where possible) in order to represent their communities, ensure that there is a quorum and support the proper functioning of the Assembly.
- If an Assembly member is not able to attend a meeting of the Assembly and the Community Working Party has not already nominated another person, they can nominate an alternate delegate (proxy) to attend in their place and must brief the delegate on relevant Assembly business for that meeting.
- If a Community Working Party Chairperson resigns or does not attend 3 Assembly meetings in a row without the approval of the Assembly, this will trigger a Community Working Party Chairperson “refresh”, meaning a new Community Working Party Chairperson must be elected by that community. The “refresh” will be supported by the Assembly Independent Chairperson who will attend the “refresh meeting”, as well as by the Secretariat who will help the community facilitate the meeting.
- There must be 9 Assembly members (CWP delegates) present for a quorum to be in place and for decisions to be made.
- Meetings take place over 2-3 days and are usually held quarterly but may also take place more frequently as required.
- Meeting dates may change to accommodate having a quorum.

e) Quorum

- The Assembly quorum is 9 members (CWP Chairs/delegates).
- A quorum is the minimum number of members that must be maintained in a meeting of the Assembly to make a decision.
- The main purpose of maintaining a quorum is to guide Assembly conversation and discussion on options for consideration from a regional perspective. A quorum also demonstrates the regional representative nature of the Assembly.
- Each Chairperson of a Community Working Party is responsible for attending all Assembly meetings so that the Assembly can form and maintain a quorum.
- If a Chairperson of a Community Working Party is unable to attend a meeting of the Assembly, the member must send an apology to the Assembly Chairperson within a reasonable timeframe and advise the name and contact details of the nominated delegate who will stand in for the Chairperson and represent the Community Working Party at the Assembly meeting. Chairpersons who are unable to attend meetings are encouraged to appoint an alternate delegate (proxy) to ensure that their Community Working Party is represented and to ensure that the Assembly achieves its quorum requirement.
- A Chairperson of a Community Working Party who is unable to attend a meeting of the Assembly in person may request that they have the option to attend the meeting remotely using online technology. If this request is made, the Secretariat will use best efforts to try and facilitate this happening, and let the Chairperson know with sufficient time for other arrangements to be made for an alternate delegate (proxy) to attend the

meeting if remote access is not possible.

- The quorum must be maintained in Assembly meetings at all times to ensure the validity and legitimacy of Assembly processes.
- If members leave a meeting of the Assembly early and there are not enough members left to form a quorum then the Assembly cannot make decisions. The Assembly meeting must then either be adjourned until a quorum is present, or be formally closed, however the remaining members can still stay and discuss issues informally without any decision making.
- The Assembly Chairperson, MPYELA and NSWALC Councillors are not able to be counted in the quorum.

f) Observers

- Any persons wishing to attend the Assembly as an observer must be approved by the Assembly Chairperson prior to the meeting.
- Observers have no speaking or voting rights unless determined by the Assembly Chairperson.
- Observers must not distract Assembly members, or they may be asked to leave the meeting.
- Observers do not receive travel or accommodation allowances.

g) Meeting papers and information

- Members will receive their Assembly meeting papers, reports and briefings 2 weeks prior to assembly meetings where available.
- It is the responsibility of all members to read papers before the meeting so that informed decisions can be made.

h) Proxy/delegate

- If a Community Working Party Chairperson/s is unable to attend the Assembly meeting, the Community Working Party Chair may nominate another delegate from the Community Working Party to attend and have voting rights in their absence for a specified period.

i) Absence of the Assembly Independent Chairperson

- In absence of the Assembly Chairperson and once the Chairperson has notified of their unavailability, the Assembly can nominate an interim person to act as the Chairperson for a specified period to conduct Assembly business regarding regional meetings or other business raised by Community Working Party Chairs.
- The Assembly Chairperson present at a meeting can nominate an interim Chairperson to conduct Assembly meeting agenda items at regional meeting for an agreed time if required.

j) Speaking rights

- The Chairperson will nominate a speaker once the speaker indicates their intent to speak or respond, and the Assembly Chairperson will grant as much time as is needed to speaker/speakers if doesn't impede on the agreed agenda/timeslot.
- Only one Assembly person nominated by the Assembly Chairperson may have the floor at an Assembly meeting.
- The Chairperson will also provide an opportunity for questions to be asked or an opportunity for a response or comment on the subject matter.

k) Presenters

- Presenters must provide, at a minimum, a briefing paper to the Assembly Secretariat 7 business days before the scheduled Assembly meeting.

l) Dispute Resolution

- In event of a dispute amongst members the Assembly Chairperson may call for a time out and seek resolution of the matter in accordance with the procedure in section 15 of this document or reschedule an issue as to not disrupt the Assembly agenda and meeting timeframes.

m) Late Meeting Papers

- All late letters or documents presented to the Assembly Chairperson after the agenda is accepted by Members will be presented as correspondence at the next Assembly meeting unless otherwise determined by the Members.

n) Sub-committees

- Members can nominate to sit as a member on Assembly subcommittees to oversee implementation of Assembly business in particular focus areas.
- Subcommittees may be established to further progress specific business under the Regional Plan.

6. Decision-making process and conflicts of interest

a) Assembly motions

- A “motion” (proposal) is one way in which Assembly members can make a formal decision on a topic or issue (this is also sometimes referred to as a resolution).
- A motion usually relates to an item on the agenda that has been circulated to members in advance of the meeting, so that the members know upfront that the Assembly is proposing to make a decision on that topic at that meeting.
- A motion is usually put forward by a person, and seconded (supported) by another person, before going to a vote among the members.
- A motion on the topic or issue is usually discussed before a vote is taken
- In making Assembly decisions, members should consider whether they have had sufficient time to consider and discuss the decision, whether any questions or concerns raised about the topic have been addressed, whether sufficient information has been provided in order for a decision to be made, and whether a quorum is present (9 members are required to be present for a motion to be binding on the Assembly)
- A decision on a motion can result in:
 - The motion being passed - if enough people are in favor of it
 - The motion being defeated if it is rejected by the majority of those present
 - A member abstaining on voting – meaning that they do not vote yes or no – a reason
 - A motion being withdrawn – for example, if more information is required on the topic or issue then it may be withdrawn instead of going to a vote and being defeated, and can be reintroduced at another time when more information is available
- Motions proposed by Assembly members will not be moved or seconded in the presence of external presenters/external delegations as this is confidential Assembly business.
- Apologies for non-attendance at an Assembly meeting must be put forward for acceptance by the Assembly.

b) Conflicts of interest

- All members must comply with the Assembly Conflict of Interest Policy and Procedure.
- All members should give clear upfront notice to the other members of any perceived or actual *material* conflicts of interest with Assembly business.
- A conflict of interest arises if a member is presented with an opportunity to use their position for their own personal benefit or for the benefit of a third party (such third party can be another individual or another organisation) in a way that conflicts with their role as a member of the Assembly, their duty to comply with the Code of Conduct, and to act in the best interests of the region.
- An example of this is something that may influence the vote of a member on the decision to be made.
- When a perceived or actual material conflict of interest arises, members should immediately give notice to the Assembly including details of the nature and extent of the interest and how the conflict of interest relates to the Assembly.
- If a potential conflict might arise because of an issue like employment or another matter than will be ongoing, a “standing notice” about the conflict can also be given to the Assembly.
- In practice it is best to disclose any conflicts of interest (whether they are actual or perceived) at the beginning of every Assembly meeting as well as considering whether a standing notice should be given.
- Disclosing any actual conflict or perceived allows for transparency with the Assembly, and allows for the conflict to be properly managed, usually by the conflicted member being absent from discussions and/or abstaining from voting on the matter.

7. Secretariat

a) **Secretariat services to the Assembly**

MPSL provides a Secretariat service to the Assembly.

Role of Secretariat and Assembly business

- To support the Assembly Chairperson in ensuring the smooth functioning of the Assembly and Assembly business.
- To auspice and acquit funds for the Assembly.

Responsibilities of Secretariat and Assembly business

- Develop and distribute the meeting agenda through the Chair.
- Ensure Assembly meetings are effectively organised and minuted.
- Maintain effective records and administration.
- Prepare all relevant documentation for Assembly Members for Assembly meetings.
- Distribute meeting papers 2 weeks prior to meetings where available.
- Ensure that any action items raised in Assembly meetings are followed up in conjunction with the Chairperson.

b) **Secretariat services to the Community Working Parties**

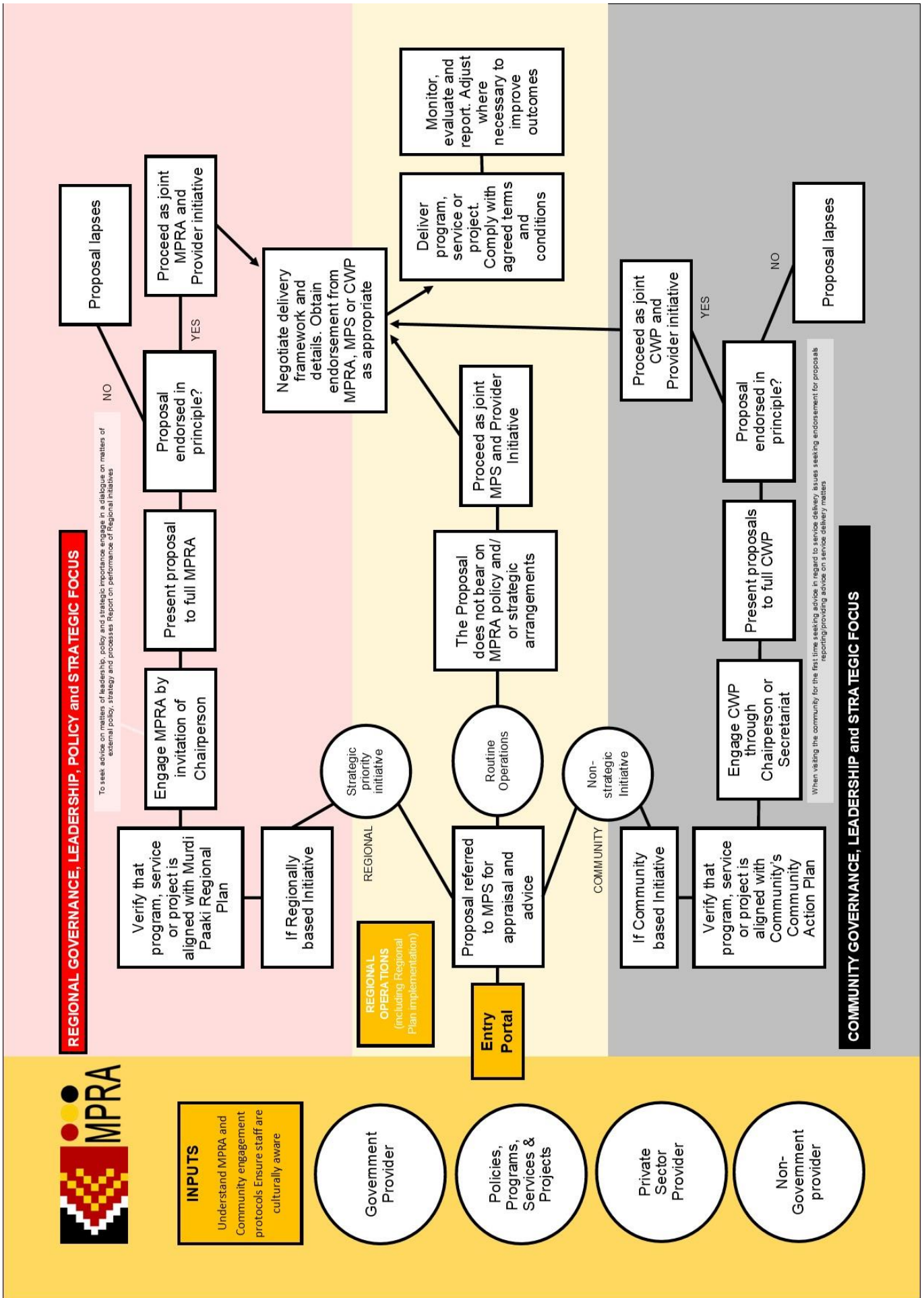
Role of Secretariat and CWP business

- To auspice and acquit funds for CWPs.

Responsibilities of Secretariat and CWP business

- To facilitate CWP meetings where a Community Working Party 'refresh' is required.

8. Murdi Paaki Engagement Protocol



9. The Assembly and the management of internal and external stakeholder relationships

Government

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

How do we do this?

Current agreements and policies in place that support this relationship:

1. Accord MKII between Murdi Paaki Regional Assembly and NSW Government

Community

Communities are the foundation of the Murdi Paaki Regional Assembly. Community governance and empowerment are central to bringing about change. Regional priorities are derived from local community priorities and inform the role that Assembly members undertake in planning, negotiation, agreements and lobbying.

How do we do this?

1. Support and strengthening of Community Working Parties.
2. Ensuring good governance practices are always applied.
3. Development, review and implementation of local community plans.
4. Listen and walk with our communities.
5. Working in accordance with the Code of Conduct

10.

Services Providers

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

1. Support First Nations people to influence and increase authority and control over service delivery to reflect regional and community circumstances.
2. Hold mainstream Departments accountable for the provision of efficient, effective and cultural match for services in accordance with priorities.

How do the Assembly and Community Working Parties do this?

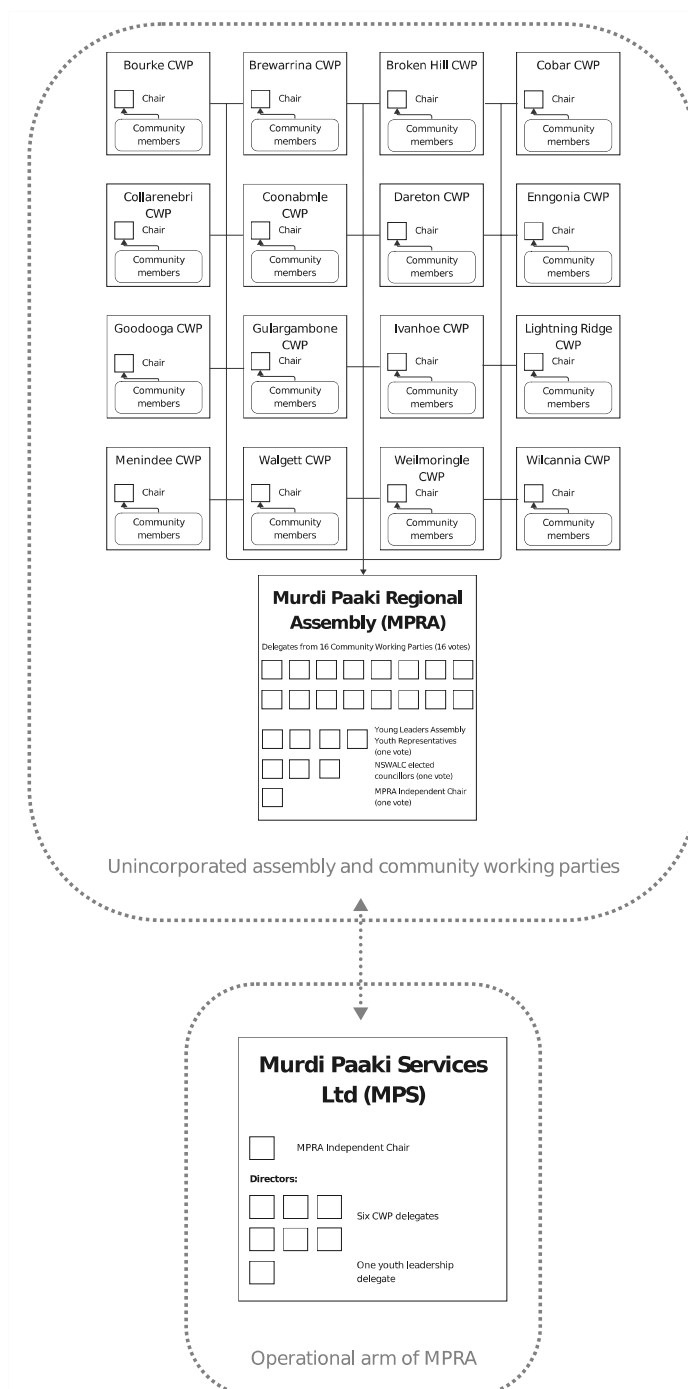
1. Working in accordance with the Code of Conduct.
2. Entering in to and enforcing formal Agreements with Government via the Assembly and Murdi Paaki Services Limited.
3. Promoting and encouraging service delivery against Local and Regional Community Plans at a community and regional level.

Murdi Paaki Regional Assembly's governance structure, and its relationship with Murdi Paaki Services Limited

The Murdi Paaki Regional Assembly is a formal affiliation of Aboriginal communities and, as such, purposely does not have legal standing nor can it enter into binding agreements with governments and others. To enable a greater level of participation in operational matters and to provide governments with improved opportunities to innovate and invest in Aboriginal people of the region, MPRA established Murdi Paaki Services Limited (MPSL) as an independent professional legal entity under sole ownership and governance of the Murdi Paaki Regional Assembly.

MPSL Board: MPSL Board is drawn directly from the membership of the Murdi Paaki Regional Assembly, comprising of up to 9 members – up to three Directors and up to one Young Leader from each of the Wangkumara and Far West Wards and an Independent Director, being the MPRA Chairperson.

Note: MPSL does not deliver services, MPSL was established to be the operational arm of the MPRA



MURDI PAAKI REGIONAL ASSEMBLY STRUCTURE

COMMUNITY WORKING PARTIES

BOURKE

BREWARRINA

BROKEN HILL

COBAR

COLLARENEBRI

COONAMBLE

ENNGONIA

GOODOOGA

CULARGAMBONE

IVANHOE

LIGHTNING RIDGE

MENINDEE

WALGETT

WEILMORINGLE

WENTWORTH/
DARETON

WILCANNIA

Community Working Parties (CWPs) are the foundation stones of the Murdi Paaki Regional Assembly and are the community's Aboriginal voice, not only on their needs and aspirations, but also the issues faced by their community. Each community has established a CWP representative of the people in their communities. CWPs provide a direct link to the Regional Assembly and provide an insight into what's occurring at a local community level. While CWPs are not funding bodies, they are the peak representative body for their community for government and non-government organisations to consult and engage with, while also setting priorities around closing the gap and eliminating social issues for their community.



MURDI PAAKI REGIONAL ASSEMBLY

Murdi Paaki Regional Assembly (MPRA) is the peak representative structure that represents the interest of Aboriginal and Torres Strait Islander people in 16 communities across Western NSW. MPRA's governance model promotes the practice of good governance, responsible leadership and empowerment, this is a legacy of the former Murdi Paaki ATSiC Regional Council. Community and Regional Governance are the tools that hand responsibility to us.

Membership of MPRA comprises Chairpersons from the sixteen Community Working Parties (CWPs), representatives of the Murdi Paaki Aboriginal Young and Emerging Leaders (MPAY&ELP), three NSW Aboriginal Land Council (NSWALC) Councilors, and an independent Chairperson.



The Murdi Paaki Regional Assembly is a formal affiliation of Aboriginal communities and, as such, purposely does not have legal standing nor can it enter into binding agreements with governments and others. To enable a greater level of participation in operational matters and to provide governments with improved opportunities to innovate and invest in Aboriginal people of the region, MPRA established Murdi Paaki Services Limited (MPSL) as an independent professional legal entity under sole ownership and governance of the Murdi Paaki Regional Assembly.

SUB COMMITTEES

The Murdi Paaki Regional Assembly at times requires sub committees, such as the Accord MKLI committee to be formed to further progress the priorities of the Assembly

REGIONAL ABORIGINAL HOUSING LEADERSHIP ASSEMBLY

In 2015, the Assembly initiated a major grass-roots review of the Aboriginal social housing sector in western NSW. The Minister for Aboriginal Affairs on behalf of the Government of NSW and the Murdi Paaki Regional Assembly Independent Chairperson on behalf of the Assembly entered into an Agreement to improve Aboriginal social housing outcomes in the Murdi Paaki Region. The Agreement establishes the Regional Aboriginal Housing Leadership Assembly (RAHLA) as the overarching governance structure for delivery of the Agreement objectives.

11. Murdi Paaki Regional Assembly Code of Conduct

- 1) All members must act honestly and in good faith and in accordance with the law.
- 2) All members must act in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent.
- 3) All members must perform their role to the best of their abilities and will notify the Independent Chairperson-immediately if there is an issue preventing them from carrying out their role.
- 4) Members must not make improper use of information they receive or take improper advantage of their position.
- 5) Confidential information received by members in the course of exercising their role will only be used for the reason for which it was obtained. -Members will not disclose such information or allow it to be disclosed unless authorised by the Assembly, or it is required by law.
- 6) Members must not engage in conduct that will discredit the Assembly (including whether in person, in writing or online)
- 7) Members must comply with the Assembly's policies and procedures including the Charter of Governance and Conflict of Interest Policy, and behave in a manner that is consistent with its values. This includes:
 - treating each other and external stakeholders, including the broader community, with compassion and respect
 - ensuring that all Assembly meetings are a 'safe space' for challenging conversations
 - listening to each other to understand other opinions
 - listening and valuing competing points of view
 - having constructive and open conversations respectfully
 - valuing other people's opinions
 - assuming good intentions unless there is evidence otherwise.
- 8) Public statements should only be made on behalf of the Assembly by the Independent Chairperson, or as is otherwise authorised by the Assembly, or provided for in its policies and procedures.
- 9) A member must not make any public statement, or engage in any conduct, which is likely to prejudice the Assembly or its reputation, or is likely to harm, defame or otherwise bring discredit to the Assembly or a member of the Assembly.

If a dispute arises in relation to a breach of this Code of Conduct, members agree to act in good faith to resolve the dispute in accordance with the procedure outlined in the Assembly Charter of Governance, subject to the law and the nature of the dispute

12. Murdi Paaki Regional Assembly Conflict of Interest Policy and Procedure

Below is an extract of the Murdi Paaki Regional Assembly, conflict of Interest Policy. A copy of the endorsed Conflicts of Interest Policy and Procedure can be found on the MPRA website or by contacting the Independent Chairperson or Murdi Paaki Services.

The Members of MPRA have an obligation to **disclose** conflicts of interest and not to participate in decision making unless properly authorised.

In the interests of promoting best practice and good governance, this policy and procedure is designed to create a **culture of disclosure** so that all potential conflicts are identified and disclosed by the relevant Member and managed collectively by the MPRA.

Role and duty of MPRA Members

All persons who are Members of MPRA have a duty to act in good faith, in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent in the performance of that role.

Purpose

The policy and procedure aims to:

- Ensure all conflicts of interest are managed with transparency and without bias.
- Reduce opportunities for corruption or improper conduct.
- Ensure decisions are made (and are seen to be made) on proper grounds for legitimate reasons and without bias.
- Outline clear and consistent processes to follow should any accusations of bias be made.
- Demonstrate MPRA's commitment to good governance by addressing issues that might be associated with corruption / misconduct (for example, the allocation of funding)

What is a conflict of interest?

A **conflict of interest** involves any situation where a Member's material personal interest may conflict with their duties to act in good faith, in the best interests of the Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent or not to improperly use their position to gain an advantage for themselves or someone else.

A **material personal interest** involves any interest – including those of a spouse or close family member – which might affect a Member's obligation to act in good faith in the best interests of Aboriginal peoples of the Murdi Paaki region and in particular of the Aboriginal members of the community they represent. The Member's material personal interest may be either pecuniary or non-pecuniary in nature and includes their interest as directors, members, employees or shareholders of a related party. For this purpose:

- **pecuniary** includes actual or potential financial gain or loss, and
- **non-pecuniary** includes interests that arise from personal or family relationships including a tendency to favour or prejudice.

A conflict of interest may be either:

- **Potential** – a situation where a Member has a material personal interest that could conflict with their role as a Member of MPRA; or
- **Perceived** – a situation where it could reasonably be perceived that a Member's material personal interest could improperly influence any of their duties; or
- **Actual** – a situation where there is a direct conflict between a Member's material personal interests and their role as a Member.

Best Practice - Creating a 'Culture of Disclosure'

MPRA is committed to facilitating a positive culture around the disclosure of interests. It is the responsibility of individual Members to **identify** and **disclose** any conflict of interest they may have.

This is because a perceived conflict of interest has the potential to negatively impact MPRA's reputation as much as an actual conflict of interest if not properly disclosed and then managed.

It is the responsibility of MPRA to decide collectively how to **manage** any conflict of interest.

Assembly conflict resolution process

- a) If a dispute arises in relation to a breach of the Assembly Code of Conduct, the Assembly members agree to act in good faith to resolve the dispute, subject to the law and the nature of the dispute.
- b) Good faith in this context means acting or doing things honestly, for the right reason and without any hidden agendas, being upfront and transparent, and not maliciously.
- c) Wherever possible and subject to the law, the Assembly prefers that any dispute to be resolved in-house in the interests of a quick and effective process, and to preserve the working relationship for the members.
- d) If a dispute arises that cannot be resolved by the members to the dispute within a reasonable period, the dispute will be escalated to the Independent Chairperson.
- e) If, after this escalation, the dispute still cannot be resolved within a reasonable period of time (depending on the circumstances), then subject to the law the parties to the dispute agree to appoint an independent mediator to assist in resolving the dispute.

MPRA Travel Policy

Below is an extract of the Murdi Paaki Regional Assembly, Travel Policy. A copy of the endorsed Travel Policy can be found on the MPRA website or by contacting the Independent Chairperson or Murdi Paaki Services.

Expenses related to Assembly members Travel are to be met by MPSL in accordance with this policy.

Members are to be paid a Travel Allowance to enable them to attend Meetings or perform Assembly -related activities as agreed to by the MPRA Chairperson

Travel Allowance is a flat rate paid directly to Staff to cover all meals, accommodation and other expenses for the duration of each Meeting or Work-related Activities and will only be payable where the Staff member is required to stay overnight away from home in commercial accommodation to attend the meeting or perform the assembly activities.

Motor Vehicle Allowance

Where a member is required to use a private vehicle for assembly travel, the member will be paid a Motor Vehicle Allowance by MPSL. This payment is additional to any Travel Allowance. *Where possible the MPRA Chairperson and Secretariat will travel together.*

Procedure:

Prior to any travel, MPRA members must complete a 'MPRA Travel Form' in which they enter the details of their mode of transport, duration of their stay away from home for the Meeting or assembly-related Activity and the distance which will be travelled by private vehicle (in kilometres). This form must be forwarded to one of the following people to arrange approval and payment, with a minimum of three (3) days notice prior to travel being undertaken:

Jayde George – jayde.george@mpracom.au

Elly-May Hand – admin@mpracom.au

Members must book and pay for their own accommodation and meals using the Travel Allowance and pay for their own fuel and other motor vehicle costs using the Motor Vehicle Allowance.

Information for MPRA Members

MPRA Members will be contacted by the MPRA Secretariat Coordinator to complete their travel allowance forms. All travel allowance forms must be completed and returned to the secretariat coordinator by COB Wednesdays unless alternate arrangements have been made. The MPRA Secretariat will then forward all travel forms to the CEO of MPSL for approval.

Travel Allowance Payments.

Members paid travel allowance as per the ATO rates

As noted at the MPRA meeting held on the 5th of December 2023, going forward, MPRA members will receive 50% of their travel allowance payment on the last business day before the intended travel date, the other 50% of the allowance will be released once signed on at the meeting being held.

Unused Travel and Motor Vehicle Allowances

If a MPRA Member receives a Travel Allowance and/or Motor Vehicle Allowance (or any other travel-related payment from MPSL) and does not attend the relevant Meeting or perform the relevant assembly-related Activities (in whole or part), the amount of the allowances (or relevant portion) must be refunded to MPSL as soon as possible.

If payment is not received within 7 days after the end of the relevant Meeting or the date on which the relevant assembly-related Activities were to be performed, MPSL may send a letter to that Staff/MPRA Member requiring that the allowance be refunded within 7 days of the letter.

If the allowance is not refunded within the required timeframe, MPSL may elect to apply 50% of the amount to be refunded against Travel Allowance and/or Motor Vehicle Allowance which would otherwise be paid for subsequent Business Travel.

Allowances received by Staff/MPRA members from MPSL cannot be used for private or personal purposes or by any other persons.

REPORT TO MEMBERS:

All Travel Allowances, Motor Vehicle Allowances and other expenses paid by MPSL to members are reported in the MPSL financial statements and audited.



**MURDI PAAKI
REGIONAL
ASSEMBLY**

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