

CHAPTER 16

Guidelines for Community Governance

To support the establishment and operation of Community Working Parties, the Murdi Paaki Regional Council issued a Governance Resource Kit as ‘a guide for effective communities.’¹ The resource kit was in six parts or books. The first book was an *Aboriginal Communities Governance Handbook*. Other books covered the policy framework of community governance, capacity development for community governance, case studies, a bibliography, and a glossary of terms. The authors of the manual, Michael Stewart and Patrick Bradbery acknowledged having adapted the resource kit from a Canadian First Nations Handbook written by Neil J. Sterrit.

The lessons learned from the Canadian experience marked a turning point in forging new directions in the Murdi Paaki region. These directions were based on: Aboriginal sovereignty, Aboriginal control, Aboriginal community control, Aboriginal values, Aboriginal spirituality, Aboriginal culture, elders, leaders and a cultural healing process.

The resource guide records that:

The experience also inspired Murdi Paaki’s strategic thinking about ‘pooling of funds’ and ‘purchasing of services’ from the ‘funds pool’, a way of doing business that that was introduced by ‘Smiley’ Johnstone as the CEO of Maari Ma Health Aboriginal Corporation for the Commonwealth funded Coordinated Care Trial in Wilcannia in 1997.²

The Aboriginal Community Governance Handbook dealt with how Indigenous governance structures could be more effective. A central feature of the handbook was its focus on Aboriginal values in shaping governance arrangements and institutions. The handbook observed:

Aboriginal communities expect their leaders to act in an ‘Aboriginal way’ and not reflect the ‘thinking,’ ‘actions,’ and ‘styles’ of those who have historically characterised ‘oppression’, ‘dispossession’ and ‘disadvantage.’ If you are an Aboriginal person then **be** an Aboriginal person, think like an Aboriginal person and act like an Aboriginal person. Aboriginal spirituality, heritage, culture and values remain to the forefront in the hearts and minds of Aboriginal community members and Aboriginal community leaders in the Murdi Paaki ATSIC region.

On the question of power relationships, the handbook stated:

In contemporary society the ‘power brokers’ set the rules and set the bar for standards to which Aboriginal peoples must conform and aspire if they are to qualify for recognition, acceptance and support. The system has forced us to become something we are not...The ‘politics of division’ that has accompanied the way business has been done in communities has held back developments, splintered communities and

¹ Murdi Paaki ATSIC Region, *Aboriginal Community Governance Resource Kit*, a Resource Guide for Effective Communities, Book One, 2002.

² *Governance Resource Kit*, p.5.

fractured relationships...In contemporary society Aboriginal peoples must be Aboriginal and at the same time organise themselves in an appropriate way to 'heal' and maintain a 'healthy community.'³

It was against this backdrop that the authors reviewed practices, structures and processes to provide balanced suggestions and options that Community Working Parties could consider in determining what was best for their communities.

The resource kit observed that the momentum that had been built in the Murdi Paaki region over the previous decade now provided communities with both the opportunity and a structured forum to exercise community governance and accept responsibility for developments in the region.⁴

Although the resource kit referred to these forums as Community Working Parties, the manual acknowledged the desirability of their transformation at an appropriate time and under appropriate circumstances into 'Community Councils.'⁵

The manual defined governance as:

The process and structure by which the Community Working Party coordinates and manages community business.

The key words identified in the definition were 'structure' and 'process.'
The manual stated:

The business of every organisation must be coordinated and managed....this is achieved within a set of rules which create a structure...and through a process which involves the parties who have the power to direct and manage the business.⁶

Each Community Working Party would be different in the way it managed community business because the circumstances in each community would be different.

The manual argued that the legal and administrative setting within which a Community Working Party operated created a structure. The structure may include a constitution or by-laws, resolutions, policies and procedures approved by the Community Working Party, other laws of general application and community standards.

Process referred to how the Community Working Party and its officers and employees made decisions and how they were held accountable. The governance process involved the interactions among structures, processes and traditions that determined how power is exercised, how decisions are taken and how citizens or stakeholders have their say. Fundamentally it was about power relationships and accountability; who has influence, who decides and how

³ *Governance Resource Kit*, p. 6.

⁴ *Governance Resource Kit*, p. 7.

⁵ *Governance Resource Kit*, p. 7.

⁶ *Governance Resource Kit*, p. 7, citing *Where were the Directors?* 1994, p. 7.

decision makers are held accountable.⁷

The Community Working Party was obliged to conduct business responsibly. It would meet this obligation by ensuring the financial viability of community business while enhancing and protecting community assets. The assets included natural, human, human-created, social and cultural.⁸

The Community Working Party was seen as the 'decision centre' of a political arena with three fundamental external relationships concerned with community members, management and other stakeholders.⁹ Among the key external stakeholders, defined as any group within or outside an organisation that has a stake in the organisation's performance, were government Departments.

The question of incorporation was considered early in the development of Community Working Parties. Whether or not a Community Working Party should become incorporated depended on individual circumstances. An important consideration was the benefit of separating community governance from service delivery.¹⁰ While a Community Working Party remained unincorporated, this separation, the handbook argued, was clear. The Community Working Party was not in a position to deliver services if it was not incorporated. It could choose to sponsor an auspice body to take on this role. In doing so it was important

I acknowledge that in many of our Indigenous communities there is a dearth of effective leadership. I also acknowledge that there is a lot of infighting and factionalism in our communities that holds us back. However, I believe that a concept such as the Community Working Party is a first step towards tackling the conflicts that sometimes cripple our Indigenous communities. I think the next step is to bring through some of our younger people to step up and take on leadership roles in our communities. *Richard Weston, Regional Director, Maari Ma Health Aboriginal Corporation and member of the Broken Hill Aboriginal Community Working Party, Opening Address - Western Division Shires Association Conference, March 6 2006*

to ensure the appropriate separation of powers, so that policy making did not get confused with the service delivery and management of funds.¹¹

The manual argued that while an unincorporated Community Working Party would have no legal status, there were some advantages to retaining an unincorporated status, especially during the early stages of development. Remaining unincorporated also provided a degree of flexibility not available to an incorporated body.¹²

The manual defined the nature of good governance within a framework of good governance being the basis of self-government. Successful governance

⁷ *Governance Resource Kit*, p.13.

⁸ *Governance Resource Kit*, p.8, citing Viederman, Stephen, 1996, Sustainability's five capitals and three pillars, in Pirages, Denis C. (Ed), *Building Sustainable Societies: A blueprint for a post-industrial world*, Armonk, NY: ME Sharpe, p. 46.

⁹ *Governance Resource Kit*, p.18.

¹⁰ *Governance Resource Kit*, p.62.

¹¹ *Governance Resource Kit*, p.62.

¹² *Governance Resource Kit*, p.63.

required leadership, experience, and discipline. Every government had a right to change – to evolve its legal institutions and societies.¹³

The manual argued that self government, an objective of many Indigenous leaders and community members was an important notion. Centuries of dependency had resulted in frustration and despair for Indigenous people. The challenge for Indigenous people was not only to gain more control over their own affairs, but to find ways to make control meaningful.

The tools of governance included:¹⁴

- **A Community profile** maintained by the Community Working Party and formulated in conjunction with government agencies and the private sector delivering services in the community;
- **A community plan** which builds on the community profile and provides a framework for all community, social and economic developments in the community;
- **Community participation** in the work of the Community Working Party;
- **Exercising community control** by the working party;
- **Coordination responsibilities** over works and services provided by all spheres of government without detracting from their respective responsibilities;
- **Service agreements and contracts** in the context of the community plan` with Aboriginal organisations and non-Aboriginal service providers for the delivery of services funded from all sources on a purchaser/provider basis;
- **Pooling of funds** to ensure more effective coordination by the Community Working Party;
- **A regional profile and regional plan** drawn from the 16 community profiles and community plans; and
- **Capacity development** to provide the skills mix that builds on existing interests and experiences and equips the Community Working Party to monitor and manage strategic, operational and development work.

The Community Working Party's five key governance responsibilities included:¹⁵

- Overseeing strategic management;
- Hiring and directing staff;
- Maintaining good relations with the members;
- Protecting community assets; and
- Fulfilling fiduciary and legal responsibilities.

Generally the Community Working Party's job was to ensure the

¹³ *Governance Resource Kit*, p.9.

¹⁴ *Governance Resource Kit*, pp. 11-12.

¹⁵ *Governance Resource Kit*, p. 16.

community achieved its purpose and goals. It was responsible for the governance of the community and its own governance.¹⁶

The comprehensive resource kit, prepared alongside the development of a regional governance framework, was aimed at giving community working parties the background and information they needed to ensure their effective operation as the centre piece of Murdi Paaki's governance arrangements and interaction with government.

¹⁶ *Governance Resource Kit*, p. 22.