

## **Tony Binalany and Banambi Wunungmurra**

Regional governance – constitutes a new agenda in the management of Indigenous affairs in Australia. There is a general wish to do things better and differently. It involves Government agencies changing the way they do business with Aboriginal communities.

### *Our proposal for - A Better Way*

This proposal to establish a Miwatj Regional Government is about a way forward, based on Yolngu Mala's own aspirations. It is about what the Chairman of the Northern Land Council, Mr. Galarrwuy Yunupingu, described as finding "*a better way*" of doing things.

Achieving Yolngu Mala's goals requires as a starting point , new structural arrangements in the way goals are set, decisions are made and services provided to promote the development of East Arnhem and the well-being of the people based on Yolngu traditions and values.

It is not a return to old ways or a rejection of new ways; nor is it a radical departure from existing structures. These have provided their own lessons. It is taking what Yolngu Mala know and building on them , to develop a better way.

It is having a structured process of accountability to achieve Yolngu goals, the basis of which is recognition of rights , roles and responsibilities.

- The approach involves a new partnership between Indigenous people and government. The significance of this approach is captured by an observation from Canada:

*“First Nations allows communities to function as they have always functioned by taking tradition and reworking it to be successful in the present. It’s a partnership based on two levels of expertise to build something neither could build alone.”*

The Miwatj Regional Governing Body theme is taken from Mr. Yunupingu’s Vincent Lingiari Memorial Lecture (20 August 1998). Mr. Yunupingu said: “When the Napaki law and their law-making process takes the time to properly engage with our law, we have shown that we can achieve a good result. This is what I have called our signpost to a *better way*....

#### The Goal

- “To reclaim and own our future by empowering our people and communities and controlling decision-making and management.”
- In response to that goal, the proposal to establish the Miwatj Regional Governing Body aims to:
- restore authority and control over decision-making to Yolngu Mala in the way they choose;
- enable Yolngu Mala to determine their own priorities and desired outcomes, which would then form the basis for government actions within a comprehensive and accountable framework;
- ensure they have the capacity to take responsibility in partnership with government at all levels;
- build a legitimate, effective and supportive framework of regional governance with communities and organisations
- This vision has been around for a long time.
- The Section 96 Regional Authority Committee was established in 1995 and has been active since the beginning.
- The committee resolved in **1996** in a report to the incoming Miwatj Regional Council to “***support the continuation of a S96 Regional Authority Advisory Committee in the establishment of a Miwatj Regional Authority***”

- This vision for a Miwatj Regional Governing Body was reinforced by the S26 ATSI Act Review in 1997 which recommended changes to allow for the establishment of alternative models of Regional Governance
- This recommendation recognised the need for regional self-empowerment and to provide more flexible representational structures with members appointed through traditional decision making processes.
- A consultant was engaged to explore support for a draft model of governance for the Miwatj Region
- Community consultations have been undertaken with a series of presentations given to explain the Miwatj Regional Government proposal
- This presentation is intended to clarify the role and responsibility of a Miwatj Regional Government and how it will benefit Yolngu
- This presentation is also intended to create discussion about the proposal and seek out the ideas and feelings of Yolngu Mala Leaders about the structure and membership
- It will also provide answers to some of the most asked questions about the proposed Miwatj Regional Government

## **Our Region**

The Miwatj Region covers the remote East Arnhemland area roughly from Milingimbi in the north west around to Numbulwar in the Gulf. Groote Eylandt with major communities Angurugu and Umbakumba are part of the Miwatj Region.

This is what makes the Miwatj Region strong

The region:

- covers a vast wilderness of 37,900 square Km
- has a majority of traditionally based communities
- sustains a strong homelands movement
- is unique in Australia as it is the only ATSI Region that has 100% Indigenous land ownership
- all of the area is under Indigenous freehold title

- Aboriginal languages are the first language
- English is often the third language
- Traditional culture remains very strong
- Traditional elders are the community decision makers
- there is a majority Indigenous population
- Population by ABS 2001 CENSUS was 7940 - WE THINK CLOSER TO 10,000.

### **The Current Situation**

- All communities and homelands resource agencies are operating independently
- There lacks coordination of services at a regional level
- Support services for communities and homelands resource agencies are not coordinated
- Access to most homelands and communities is hampered by seasonal weather and lack of funding
- Regional Strategic and Development Plans incorporating Yolngu interests do not exist
- Community health and well-being is very poor, services are insufficient

And;

Education, Training and Employment outcomes are very poor, probably the worst in the Northern Territory.

Good governance - is the key to for building sustainable development for the Miwatj Region. The current situation sees a collection of small disconnected and isolated organisations attempting to perform functions for which most are not equipped with the necessary “tools” to do so.

The organisations – incorporated under 3 separate pieces of legislation, all operate to separate constitutions or model rules, are responsible to different masters, different accountability requirements and, as a consequence suffer serious operational and internal dysfunction.

The most serious issue for the Miwatj Region is Governance, good Governance which for the present, does not exist. To have sustainable development for our region, we must have sustainable and legitimate Government. No question about the matter, without good sustainable Government we are going backwards and the gap between where we are, and where we want to be is ever widening, possibly for ever.

The creation of a Miwatj Regional Government will bring the responsibility for managing the region back to Yolngu, the 100% owners of the land. With responsibility for representation comes accountability, those who decide must bear the consequences of their decisions.

Good Governance is about having the structures, processes and capacity present to make sound informed decisions through strong leadership and transparency.

The current situation lacks legitimacy, lacks power, lacks resources and accountability.

The current situation is fragmented, does not give good value for money, fails to consider truly regional matters and lacks the capacity for managing sustainable regional objectives.

Good Governance and capacity walk hand in hand and cannot be separated, both must grow and develop together, our education must provide the tools for meaningful employment and eventually, informed choices about our future.

With Good Governance, properly coordinated, adequately resourced and supported by an administration which has the capacity, the Miwatj Region will become stronger and look forward to a brighter future than the present offers.

Our proposal for a Miwatj Regional Government has been around for about 8 years. Initially we were looking toward the example set by our Torres Strait Islander friends with their “Authority” which was established in 1995.

We first considered alignment with the ATSIC Act or comparable Commonwealth legislation. However, this option would have been seen as illegitimate in the eyes of Government as it would have been a hybrid structure with no true links to existing political systems. It simply did not fit anywhere within existing structures.

This earlier concept is now largely irrelevant due to the recent events within ATSIC and the favourable position of the current Northern Territory Government to build stronger regions, of course through Good Regional Governance.

Considerable work was done in our region, consulting with our communities and exploring the type of structure which would suit us best. Our cultural priorities and kinship systems had to walk along side any western governmental construct.

There must be a match between the Yolngu culture and a western style Government system. This is reinforced by a recent paper by the Centre for Aboriginal Economic Policy Research by Smith and Dodson (Paper 250 ) which stresses:-

*the importance of a match or common ground between the types of governing structures and procedures it wants to develop, and the culturally-based standards, values and systems of authority of community members. For example, common ground must be found about issues such as who should hold power, how power should properly be exercised, how decision making and disputes should be handled, and about the respective rights and responsibilities of different members and leaders. The more a governing body finds some cultural “fit” or “match” in these matters, the more it will secure the ongoing mandate of its members.*

(Pages 18 – 19)

This concept was recently introduced into Australia through the Harvard Project research team (*Begay, Cornell and Kalt 1998*) ; *Cornell 2002 and Kalt 1996*.

This approach was addressed at the Indigenous Governance Conference held in Canberra in April 2002. A keynote speaker at that conference, Professor Stephen Cornell from Harvard University in the United States of America spoke of 14 years of research which highlighted the need for a 'cultural match' in marrying Indigenous and western concepts of governance. We are very fortunate to have Professor Stephen Cornell and Dr Manley Begay here at this conference to address the very subject tomorrow. The Miwatj Regional Government proposal recognises the importance of getting this 'fit' or 'match' correct from the beginning; without it, the exercise would be futile.

The Miwatj model allows for the nomination of "Dilak" – our Elders Council to provide guidance and set broader policy advice according to Yolngu tradition.

Representatives from each community and homelands resource centre would be joined by at least 10 Mala Leaders nominated by the "Dilak" to form the Regional Governing Body.

At least 10 members of this body would form the Management Board which will handle the ongoing matters and execute the directions of the "Dilak" and the greater Regional Governing Body.

Each community will in turn be locally managed by a "Community Management Board" to oversee essential services delivery and employment and training programs.

The "Community Management Board" will be responsible to both Community and Regional Government

This arrangement is not dissimilar to Australia's 3 tier Westminster Government System. The separation of powers and accountability is built in

to our proposal with the “Dilak” being the upper house, the “Regional Governing Body” being the lower house and the Management Board being the Cabinet.

In this instance the Miwatj Regional Government will be the legitimate 3<sup>rd</sup> tier of Government as the Local or Provincial Governing Instrumentality.

With this arrangement in place, legitimacy and mandate are assured.

This proposal is not about the MPGC re-inventing itself into another organisation. ATSIC and its Regional Councils are not in the business of Government – more so, are about negotiating with Government, advocating for change for the better and in this case, supporting what will probably be the last opportunity for Yolngu to be a part of a legitimate form of Regional Government on the Northern Territory.

Considerable negotiation will be needed to make this proposal work, in line with the “Stronger Regions” policy of the Northern Territory, general consensus will need to be given for a move toward Regional Government, this may take some time – as long as Yolngu remain focused on their goal - TO RECLAIM AND OWN OUR FUTURE – through Good Yolngu Regional Government.