



**Good Indigenous Governance: the foundation for  
building capacity in Indigenous communities**

**Submission to the**

**House of Representatives Standing Committee  
on Aboriginal and Torres Strait Islander Affairs**

**Inquiry into Capacity Building in Indigenous Communities**

**November 2002**

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## **Reconciliation Australia and the Inquiry's Terms of Reference**

Reconciliation Australia is the independent, non-profit organisation established by the Council for Aboriginal Reconciliation to provide a continuing national focus for reconciliation when the Council ended its work in December 2000. Reconciliation Australia's role is to report on progress to the Australian community, circulate information, encourage partnerships, and provide forums for discussions.

Reconciliation Australia's mission is to deliver tangible outcomes for reconciliation by forging innovative partnerships to:

- achieve social and economic equity for Indigenous Australians
- strengthen the people's movement for reconciliation, and
- acknowledge the past and build a framework for a shared future.

The organisation's *Strategic Plan 2001-2003* sets out goals and strategies for pursuing this mission. A copy of this Strategic Plan is attached with this submission as it identifies the broad strategic framework within which Reconciliation Australia sees the issue of capacity building in Indigenous communities, and the Terms of Reference of the Committee's Inquiry.

It should be apparent that the goals, strategies and actions set out in the Strategic Plan are relevant in various ways to each of the three main concerns (a, b and c) set out in the Terms of Reference for the Inquiry:

*The Committee will inquire into and report on strategies to assist Aboriginals and Torres Strait Islanders better manage the delivery of services within their communities. In particular, the Committee will consider building the capacities of:*

- a) Community members to better support families, community organisations and representative councils so as to deliver the best outcomes for individuals, families and communities;*
- b) Indigenous organisations to better deliver and influence the delivery of services in the most effective, efficient and accountable way; and*
- c) Government agencies so that policy direction and management structures will improve individual and community outcomes for Indigenous people.*

Reconciliation Australia especially welcomes the broad 'reconciliation' approach of these terms of reference, which imply the need to build not only the capacity of Indigenous community members and their organisations but also the capacity of government agencies to work in appropriate ways to improve outcomes for Indigenous people.

Our submission, however, concentrates on one aspect of the broader issues: **the need for, and ways of achieving, good Indigenous governance**, while recognising the importance and interrelationship of the many facets of capacity and capacity-building as they relate to Indigenous people and communities.

## **Introduction**

Reconciliation Australia welcomes the Standing Committee's Inquiry into Capacity Building in Indigenous Communities. The inquiry is both timely and pertinent. Its terms of reference cover issues of serious concern to Indigenous communities, including improved service delivery.

The inquiry follows a significant conference on Indigenous Governance held in Canberra in April 2002. This conference was initiated by Reconciliation Australia and was co-convened by Reconciliation Australia, the National Institute for Governance at the University of Canberra, and the Aboriginal and Torres Strait Islander Commission<sup>1</sup>.

The 300 conference participants – 80 per cent of them Indigenous people – agreed that a better future would be achieved if their communities gained genuine decision-making power, exercised that power through effective institutions, and were supported by governments and their agencies – Commonwealth, State/Territory, and local.

The Key Messages summarised in the Outcomes from this conference, reproduced at the end of this Executive Summary, make clear the desire of many Indigenous people to take control of, and responsibility for, their own lives and the governance of their communities. However, these key messages, and the conference deliberations, also demonstrate the recognition by many Indigenous community leaders and members that they need to acquire the skills and put in place the structures which will enable them to govern effectively – and deliver tangible improvements in the social and economic well-being of their communities and members.

So while recognising that there are many aspects of capacity building in Indigenous communities, we contend that the capacity for good governance should be recognised as the keystone for building the capacities of Indigenous people and their communities.

Reconciliation Australia submits that the Commonwealth Government, and in fact all Australian governments, should support the current impetus for good Indigenous governance with reinvigorated policy directions, new resources and strong long-term commitment.

Capacity building needs to take place also within government agencies themselves, including cultural-awareness programs and related activities for all officers dealing with Indigenous communities so that they may fully comprehend the imperatives and the cultural dimensions of prevailing issues.

It is worth noting that the move by Indigenous peoples towards good governance is occurring around the globe. There is compelling evidence that sustained and measurable improvements in the social and economic well-being of Indigenous people only occur when real decision-making power is vested in their communities, when they build

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<sup>1</sup> More details about this conference are provided in the next section. Appendix 1 contains an index of the conference papers, which are available on Reconciliation Australia's website: [www.reconciliation.org.au](http://www.reconciliation.org.au)

effective governing institutions, and when the decision-making processes of these institutions reflect the cultural values and beliefs of the people.

While the primary push for good governance must come from Indigenous people themselves, it is crucial to develop skills and capacities in communities for people to effectively carry out the tasks of governance so that it delivers tangible benefits for all community members.

Two other concerns of Indigenous people are highly relevant to this inquiry into capacity building. They are the need to combat the high levels of sexual abuse and family and other violence in Indigenous communities, and the need for improved access for Indigenous Australians to banking and financial services.

The devastating impact of violence in communities is a matter being taken up by Indigenous individuals and organisations. Over the last 12 months many Indigenous leaders have personally accepted the role of bringing the matter into the open, airing the grim statistics, stressing the way violence threatens the basic human rights of Indigenous people and urging everyone to take responsibility to help put an end to the violence. However, these courageous individual actions need to be backed by a concerted national effort to address the underlying causes. The national effort must encompass capacity building.

Reconciliation Australia has suggested some first steps in the development of a national strategy, including an initial audit of family and sexual violence services and identification and promulgation of best practice models already working in communities. As recently as 22 October 2002, Reconciliation Australia's Co-Chair Jackie Huggins stressed the need for both male Indigenous leaders and all Heads of Government to take leadership. She also called for a whole-of-government approach to be developed in and between jurisdictions to ensure a concerted, coordinated, properly resourced, and culturally informed national effort to end this 'national disgrace'.

Equitable access to banking and financial services is an integral component of overall capacity building. A workshop in Sydney in May 2002 identified financial literacy education, investment funds management, and Indigenous employment in the banking and financial sector as capacity building undertakings which would lead to improved economic outcomes for Indigenous people. Papers from this workshop can be accessed on the website: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Reconciliation Australia has provided suggestions for improving Indigenous people's access to banking and financial services in a separate submission to the Parliamentary Joint Committee on Corporations and Financial Services *Inquiry into the Level of Banking and Financial Services in Rural, Regional and Remote Areas of Australia*. It is difficult to talk about building capacity in Indigenous communities unless Indigenous people enjoy similar levels of access to banking and financial services as other Australians. **We therefore ask that this capacity-building inquiry refer to our submission to the above Inquiry by the Parliamentary Joint Committee.**

### ***Key Messages from the Indigenous Governance Conference***

1. Good governance requires communities which have genuine decision-making powers, as overwhelmingly confirmed by the evidence presented at the conference.
2. The compelling evidence presented to the conference from local experiences and by the overseas contributors shows that sustained and measurable improvements in the social and economic well-being of Indigenous peoples only occurs when real decision-making power is vested in their communities, when they build effective governing institutions, and when the decision-making processes of these institutions reflect the cultural values and beliefs of the people.
3. We need to avoid divisive and artificial arguments about terms such as sovereignty and focus on the underlying substance that people want real power to take real decisions and act on them.
4. The examples presented to the conference demonstrate the value and relevance of customary law in dealing with contemporary problems and issues.
5. It is clear that the primary push for good governance must come from the people themselves, using whatever tools and strategic opportunities are available. In other words, in the slogan much used at the conference, 'Just do it'.
6. At the same time, it is crucial to develop skills and capacities in communities for people to effectively carry out the tasks of governance so that it delivers tangible benefits for communities and the people.
7. It is also clear that governments have a critical role at the national, state, territory and regional levels. They must exercise that role firstly by understanding that communities need to be given the necessary powers, secondly by developing good public policy around this understanding, and finally by providing the necessary support and resources – for example, through block funding as outlined at the conference by Jack Ah Kit in relation to the Katherine West Health Board.
8. Specifically, the recommendations of the Commonwealth Grants Commission's *Report on Indigenous Funding 2001* need to be seriously considered and actively debated, not buried or cherry-picked. We need to understand and use the information revealed in this report to ensure more appropriate allocation of funds by governments to compensate for Indigenous disadvantage. Although funding formulas take Indigenous disadvantage into account, they don't ensure that the resulting funds are directed to dealing with that disadvantage.
9. It is essential to celebrate our successes and share knowledge so that good governance becomes an essential part of our everyday conversation.

10. Another key element is transparent and accountable leadership committed to the welfare of the community rather than its own advancement.
11. This raises the critical issue of how to best ensure the development of future leaders – especially young leaders – with all the skills to make these things happen.
12. In developing Indigenous governance, we need to consider what our overseas participants have referred to as the separation of powers – distinguishing between a structure for setting goals and directions, one for carrying out the essential tasks, and yet another for settling disputes and ensuring that agreed rules are observed. For example, there might be a board or council which sets the policy, staff who implement the policy, and an independent body to resolve disputes through agreed procedures.
13. It is important to employ people with appropriate skills and application, and with integrity.
14. There is no single magic formula – no ‘one size fits all’ – in governance or economic development.

## **Governance, Capacity Building and Reconciliation**

### **Governance**

Until now, insufficient weight has been given to the role good governance and what its adequate resourcing can play in improving outcomes for our people. They are directly associated with the securing and exercise of our human rights, *the strengthening of Indigenous capacity to promote community development on our own terms*, and to have restored to us leadership, responsibility and control. Sam Jeffries, Chair, Murdi Paaki Regional Council, Bourke, NSW.

This submission argues that the central plank to capacity building in Indigenous communities is the establishment and maintenance of good Indigenous governance. Inherent in good governance is education and training for Indigenous people to exercise decision-making power, responsibility and accountability and to operate effective institutions.

The United Nations Development Program (UNDP) asserts that good governance is the precursor to capacity building at a community level, stating that governance is the 'how' of capacity building (UNDP 1997:7; UNDP 1996:2). Aboriginal leader, Pat Dodson (2002) argues that 'you just can't have personal capacity building if you don't have a governance framework. The two are coexistent'.

Good governance also entails a responsibility of all spheres of government to respect the rights of Indigenous people, understand their needs and to help meet these needs through adequate resourcing, a commitment to change and responsive, forward-looking policy. The final session of the Indigenous Governance Conference stressed this point (Outcomes, Indigenous Governance Conference, 2002):

....governments have a critical role at the National, State, Territory and regional levels. They must exercise that role firstly by understanding that communities need to be given the necessary powers, secondly by developing good public policy around this understanding, and finally by providing the necessary support and resources.

### **Reconciliation**

Building the capacity of Indigenous communities, especially their capacity to govern their own affairs, should be seen as a crucial element of reconciliation. Conversely, reconciliation, in all its forms, can be seen as building capacity among all Australians for greater understanding and awareness of the past and present, so as to create a framework for a shared future.

Reconciliation Australia is therefore engaged with Indigenous organizations and others in projects of building Indigenous community capacity by, among other things, improving Indigenous governance and access to banking and financial services.



In April 2002, Reconciliation Australia, in association with the Aboriginal and Torres Strait Islander Commission (ATSIC) and the National Institute for Governance, convened a conference titled *Understanding and Implementing Good Governance for Indigenous Communities and Regions*. The conference was described by all participants as timely, and the high level of participation of Indigenous organisations and leaders has given its deliberations and outcomes a wide currency. The papers – on Reconciliation Australia’s website: [www.reconciliation.org.au](http://www.reconciliation.org.au) – are being widely disseminated. Conference findings and discussions inform the basis of this submission. Papers cited in this submission are included in the list of references and major papers are indexed in Appendix One.

Capacity building is not a one-way process. The ability of government agencies and other major organisations to recognise the history, as well as the cultural and spiritual uniqueness of Indigenous Australians may allow them a greater awareness of the needs of Indigenous people. Such cross-cultural education is an important aspect of the reconciliation process. This is particularly essential for organisations involved in service delivery to Indigenous people.

### **What is good governance?**

It is generally agreed that the following attributes combine to create good governance and each of these concepts is touched upon in this submission:

- **Legitimacy** - the way structures of governance are created, leaders chosen, and the extent of constituents’ confidence and support. This includes the match between the formal institutions of governance and Indigenous political culture, which is necessary for the support of the community members. (No single model can be applied across all communities.)
- **Leadership** – the critical ingredient when people envisage a different future, recognise the need for change and are prepared to instigate change, serving the community interest rather than their own. Such leadership occurs with traditional authority but also can come from anywhere – schools, enterprises or programs or the general citizenry.
- **Power** - the acknowledged legal capacity and authority to make and exercise laws, resolve disputes, and carry on public administration. Strategic thinking is required for people to focus upon the kind of society they would like in 50 years time, and what they are prepared to do to achieve it.
- **Resources** - the economic, cultural, social and natural resources, and information technology needed for its establishment and implementation.
- **Accountability** - the extent to which those in power must justify, substantiate and make known their actions and decisions.

The remainder of this submission is presented under headings consistent with the Inquiry’s terms of reference. There is, inevitably, an overlap between these categories.

# 1. Building the Capacity of Community Members

## 1.1 Individual capacity building through education

In a recent address on Capacity Building in Indigenous Communities, the Chairman of Indigenous Business Australia and a Director of the Board of Reconciliation Australia, Joseph Elu, said that education and employment opportunities were two primary areas in which individual capacity building was needed. He pointed out that ‘it is often those who are the least capable who are given the most complex tasks’, citing as an example the complex paperwork often presented to Indigenous people who have low levels of education (Elu: 2002). A senior minister in the Northern Territory Government, the Hon. John Ah Kit, says of the operation of the Katherine West Health Board (Ah Kit 2002):

I can’t overstate the importance of capacity building for Aboriginal community organisations. Without it we’re just setting up Aboriginal people to fail. There is no point in Aboriginal people having power to make decisions unless we make sure they have the **knowledge, skills and capacity** to make those decisions.

Similarly, Sterritt (2002), using the analogy between sporting and Indigenous governance, makes the point: ‘Who would dream of entering a sporting field without being offered the opportunity to learn and develop the skills and tools to play the game? Yet, we do so routinely in the game of governance’.

Where education may be particularly useful to Indigenous leaders is where it is cross-cultural and directed specifically at the practical and legal responsibilities associated with Indigenous decision-making. Martin (2002) argues:

To be truly effective, capacity building needs to be seen as a form of cross-cultural education, in which Aboriginal people's enhanced capacity to achieve self-determination through their own institutions provides an important bridgehead to engagement with the institutions of the wider society.

Education has the potential to create leaders who can operate in both Indigenous and wider domains.

### ***Recommendation 1***

That Commonwealth, State and Territory governments, in partnership with Indigenous organizations, oversee the development of training resources to equip Indigenous leaders with governance skills. Such education may be particularly useful where it is cross-cultural and directed at the practical and legal responsibilities associated with Indigenous decision-making.

An example of an education project that has been successful in building individual's capacity is the Gumala Mirnwarni project. The Gumala Mirnwarni project grew out of Hamersley Iron's desire to offer skilled employment opportunities to the Aboriginal people of the Pilbara, only possible if students could achieve Year 12 standard at school. Stakeholders in the project include children, parents, schools, State and Commonwealth education authorities, three resource companies and the Graham (Polly) Farmer Foundation. The results from the Gumala Mirnwarni project are outstanding. In the first five years, seven matriculants went on to university. Fifteen have entered into traineeships and not one of the 70 participants has been in trouble with the law. In addition, school attendance figures are close to those of the general community. The success of this project is thus, in part, linked with developing the capacity of future leaders who have the skills to operate in an Indigenous and wider context.

## **1.2 Individual and community capacity building through employment**

The Gumala Mirnwarni project provides an example of the links between increased education and employment opportunities. Without employment opportunities the enhanced educational capacity of individuals may remain unfulfilled. It is the possibility of a good job which makes education relevant. Joseph Elu illustrated this point in saying 'there is no point in building capacity if there is nothing to put it into' (Elu 2002).

An employment initiative that has made a significant contribution to capacity building at an individual and community level is the Moree Aboriginal Employment Strategy.

The Moree Aboriginal Employment Strategy involves a partnership between the Moree Indigenous community, the Moree Plains Shire, the Gwydir Valley Cotton Growers Association and the Commonwealth Department of Employment, Workplace Relations and Small Business. In the first four years of its operation, the Moree Aboriginal Employment Strategy recorded 433 job placements, located mainly in the security and rural operations fields (Lewis 2001: 2). This success has been noted by a number of observers, including the Prime Minister who, referring to the once racially charged nature of Moree, commented:

We have seen Australians within communities such as Moree decide that they are simply not willing to allow division and disharmony to affect the day-to-day lives of their citizens and the future that awaits their children.

Moree's Aboriginal Employment Strategy, managed and operated by Indigenous Australians and centred around the magnificent cotton growing industry of that region, works with both prospective employers and Aboriginals to find employment in mainstream sectors - retail, manufacturing and on farms.

Towns like Moree are proving the critical correlation that exists between employment and the restoration of fractured community leadership and cohesion.

The Moree employment strategy is an example of how partnerships between Indigenous communities, governments and the private sector can provide successful individual capacity building strategies.

Co-Chair of Reconciliation Australia, the Hon Fred Chaney, said both the Gumala Mirnuwarni and the Moree strategies had produced a greater measure of fairness in the two regions (Chaney 2002) and he described the successes as follows:

Each of these endeavours – real examples of real change - involve public/private partnerships, Indigenous/non-Indigenous partnerships, the capturing of Indigenous aspirations, and preparedness of stakeholders to manage towards an agreed objective. Those involved have accepted ownership of the project and the responsibility of managing it over the long haul to produce the desired results.

What each has achieved is a rate of progress beyond what I would have expected from observing programs in the past. Each is a clear magnification of what could have been expected from the unaided effort of any one of the stakeholders. The non-government people used their own resources but needed tax-payer support as well. We know from results elsewhere that the government programs accessed by each project would not have achieved the same results and spread of results without the community engagement or non-government engagement in pursuing the objectives.

A fundamental reason why we need to engage the community and corporate sectors is that there is an interesting chemistry in the interaction between the public and the private sector. Put them together in pursuit of a common objective and each is put on its mettle to perform. Aboriginal people see their aspirations, ideas and initiatives supported and made achievable. Private enterprise in such arrangements embraces a higher public purpose. Public servants see the need for practical and flexible program application to achieve agreed outcomes. It is an extraordinarily productive combination.

The Business Council of Australia also has recognised the significant role that Australian companies can play involving Indigenous individuals and communities in economic development. In a recent study of the business/Indigenous community collaborative activities of 64 Australian companies, the Council found that there was a wide variety and intensity of involvement, but the number of companies was relatively few. The report, *Indigenous Communities and Australian Business – from little things big things grow (2001)*, acknowledges:

While public policy strategies serve as levers for Indigenous people making the transition from disadvantage to inclusion, the active involvement of Australian business is needed to hasten the process. Many Indigenous leaders are asking business to play a central role in ensuring ‘real jobs in the real economy’.

The report says a focus on education, training and employment has been a starting point for establishing relations with Indigenous Australians:

The challenge taken up by a number of companies has been to generate training (such as apprenticeships, traineeships and other qualifications) linked to their

employment needs, ensuring real job opportunities at the end of training. A critical factor in achieving this has been adopting a more flexible approach and this has required a change in the attitude of government which normally funds vocational training for anyone entering the workforce. Where government has not been able to be more flexible, activities have been conducted without government support. Some factors identified as critical to the success of training programs, aside from the quality of instruction include: family support strategies, mentoring programs, and advice on managing personal finances.

The report emphasises that there are substantial opportunities for business to be more fully engaged and good reasons for them to be so, but more effort is required.

***Recommendation 2***

That the Department of Employment, Workplace Relations and Small Business devise programs designed to encourage employers to enter into partnerships between Indigenous communities, government and the private sector to stimulate capacity building at an individual and community level.

### **1.3 Capacity building and leadership**

Effective leadership has been defined in a number of ways (see Cranney and Edwards 1998, Cornell 2002, Sterritt 2002). Development of leadership is an on-going process, requiring an inter-generational approach. Pat Dodson (2002) remarks that 'the aim of the leader is to bring other leaders on'. Moreover, developing inter-generational leadership is essential to conceptions of community capacity building as a process (Land 1999: 3).

Respected Aboriginal leader and a Director of the Board of Reconciliation Australia, Dr Mick Dodson, provided some important pointers to ways of building capacity in an address to the National Indigenous Men's Issues Conference in Coolangatta on 25 October 2002. He said:

We need to work on creating an education system that is more responsive to our boys and young men. Better education, qualifications and skill will aid our self-determination and care for our community. Of course that alone is not enough, we have to play our roles as fathers or uncles or cousins or big brothers telling our young men and boys what it means to be accepted as a proper decent functional Aboriginal man.

He also spoke about the important role of leadership courses, networking and mentoring to encourage and support Indigenous leaders at all levels to develop the 'knowledge, skills, confidence and vision needed to lead communities, organisations and the nation in the 21<sup>st</sup> century'. As an example, Dr Dodson cited the work of the Australian Indigenous Leadership Centre (AILC) which, since July 2001, has put 42 men (and 61 women) from throughout Australia through its certificate-level leadership course.

The AILC offers these certificate courses in leadership aimed at equipping Indigenous men and women for leadership positions in communities, organisations and society in general. AILC - a not-for-profit organisation - is gaining a reputation and would be worth looking at as a model for individual capacity building.

The success of the centre in such a short time shows what could be achieved by more comprehensive capacity-building activities.

#### **1.4 Accountability**

Good governance requires accountability and, specifically, the accountability of Indigenous leadership to their Indigenous constituents. Accountability of leaders to their Indigenous constituents is vital to developing a legitimate governance structure, and is also linked to wider issues of financial accountability. This, in turn, requires that community members have a clear idea of the outcomes, ethics and standards they expect from the leaders and actively and confidently seek to ensure these outcomes.

Neil Sterritt argues that in working with communities that have financial difficulties he has found that ‘almost without exception, the problems involve governance issues’ (Sterritt 2002). In an Australian context, Martin and Finlayson (1996) argue that the most successful Aboriginal organisations are ones that are able to maximise their internal accountability by developing culturally appropriate governance structures. Where governance structures are not culturally appropriate they are likely to lack legitimacy in the eyes of those they are supposed to serve, and their decisions will not be adhered to.

#### ***Recommendation 3***

That governments recognise the link between culturally legitimate governance structures in which leaders are responsive to the needs of their community members and the operation of successful, financially accountable Indigenous organisations. Training initiatives envisaged in Recommendations 1 and 2 should accommodate this relationship.

#### **1.5 Prioritising Indigenous decision-making**

Accountability must also be linked to actual decision-making powers. Priorities of outsiders are often not the same as the priorities of Indigenous communities, thus effective decision-making can only be made by Indigenous people themselves. Cornell (2002a) writes:

We have yet to find a case of sustained positive reservation economic performance where someone other than the Indian nation is making the major decisions about governmental design, resource allocations, development strategy, and related matters.

This is saying no more than that Indigenous leaders should primarily be accountable for the decisions which they make, rather than decisions being made for them by external agencies.

Recently in the United States and Canada governments have made Indigenous organisations more accountable, while at the same time retaining substantive decision-making powers themselves. A similar governmental approach has also been evident in Australia in recent years. Cornell states that such an approach is:

...a devolution of responsibility without a devolution of power, and is thus delusional. If you want Indigenous nations to be accountable for outcomes, you have to give them power over meaningful decisions.

***Recommendation 4***

That any increase in the accountability of Indigenous organisations be met by increasing the capacity of Indigenous leaders to make decisions, even if this means a devolution of jurisdictional authority.

**1.6 Family and other violence**

Horrendous statistics reveal the impact that sexual abuse and family and other violence is having on communities around the country. Indigenous Australians are 45 times more likely to be a victim of domestic violence than other Australians. They are 8.1 times more likely to be homicide victims than other people, and 16.6% of homicide offenders are Indigenous people. Indigenous males are 2.2 times, and Indigenous females 1.7 times, more likely to self-inflict injury or suicide than for the population as a whole. The Indigenous rate of imprisonment is 15 times the rate for other Australians. In December 1999 Indigenous prisoners constituted 19% of the Australian prison population. (These figures come from the Crime Prevention Bulletin of the Attorney-General's Department).

The reasons for this sad picture are not hard to find and have been described in many important reports, including the Report of the Royal Commission into Aboriginal Deaths in Custody. Dr Mick Dodson, Chairman of the Australian Indigenous Leadership Centre, summarised the background in an address on 25 October 2002 to the National Indigenous Men's Issues Conference in Coolangatta:

I believe these appalling statistics are symptoms of the devastating blow dealt to our identity and self-esteem over the past 200 years. In that time, we have seen a serious breakdown in our traditional roles. As a consequence of historical factors including racism, dispossession and the removal of Indigenous people from their families, many Indigenous men are demoralised and confused about their roles as fathers, grandfathers, brothers, sons and grandsons. We have gone from warriors to victims. We must acknowledge our problems and do something about them.

Dr Dodson also said:

On the face of it, Aboriginal and Torres Strait Islander men – and with us our families and communities – are the basketcases of Australia.

This violence cannot continue. Not only does it affect the health and wellbeing of women and children; its legacy is also passed on to future generations. In the words of Reconciliation Australia Co-Chair Jackie Huggins it is ‘a national disgrace’.

Reconciliation Australia has repeatedly called for a concerted national effort to address violence in communities, including an audit of services and the identification and application of best practice models.

Best practice models need to be identified, highlighting the need for leadership training, networking and mentoring, and education and training to development the knowledge, skills, confidence and vision necessary to lead organisations and communities into the future. As pointed out by Dr Dodson, the education system should be more responsive to the needs of Indigenous boys and young men, building self-esteem and skills and qualifications that will aid self-determination and the ability to care for communities.

Communities need the capacity and authority to define standards of behaviour acceptable to the community as a whole. Having defined these standards, they need the capacity to communicate those standards to the most vulnerable groups, to provide mentoring, counselling and support, and where standards are not met, have the capacity to impose sanctions acceptable to the community.

***Recommendation 5***

That a national effort to combat sexual abuse and family and other violence should encompass capacity building for community members, especially boys and young men, and should identify the good-practice models currently in place across Australia and support their application broadly.



## **2. Building the Capacity of Indigenous Organizations**

### **2.1 Organizations as critical community foundations**

Stable Indigenous governing institutions that are accountable to their communities and responsive to their needs and values form the critical foundations for community, family and individual well-being. In addition, without an effectively resourced capacity for community governance, there is unlikely to be sustained economic or social development in Indigenous communities and regions (Cornell 2002a, 2002b, Begay 2002).

Too often the prevailing attitude is that ‘assimilationist’ approaches will produce better outcomes. North American evidence relating to Indian tribes is to the contrary. Adapting work conducted by the Harvard Project on American Indian Economic Development (Cornell 2002a), the process of developing Indigenous community capacity becomes:

the effort to equip Indigenous communities with the institutional foundations, and in particular governance institutions, that will increase their capacity to effectively assert their decision-making on behalf of their own economic social and cultural objectives.

### **2.2 Designing institutions that offer a ‘cultural match’**

Institutions that operate in Indigenous communities will often be informed by distinctive Indigenous values and practices. Recognising the tensions faced by Indigenous organisations in terms of meeting the needs of Indigenous and other constituents promotes a particular understanding of capacity building. Participants at the Indigenous Governance Conference agreed that the building of effective governing institutions depended upon the ability of these institutions’ decision-making processes to reflect the people’s cultural values and beliefs. They strongly affirmed the value and relevance of customary law in dealing with contemporary problems and issues. Professor Cornell expressed the view that valuing Indigenous culture required a cultural match ‘between the formal institutions of governance on the one hand and the Indigenous conceptions of how authority should be exercised on the other’ (Cornell 2002a).

An example of a project that offers this kind of ‘cultural match’ between customary law and the wider Australian justice system is the Ali-Curang law and order plan. This plan is being implemented by the Kurduju Justice Committee in the Ali Curang community out of Tennant Creek in the Northern Territory. The Kurduju Justice Committee’s success, especially in dealing with issues of family violence, is based on Aboriginal dispute resolution, customary problem-solving techniques and the involvement of community organisations, elders and traditional owners.

Committee members Gwen Brown and Marjorie Hayes (2002:4) say:

Aboriginal dispute resolution as practices on these communities refers to a process which is worked out by the communities, is controlled by the community, responsible to the community, can incorporate the acceptable social cultural, traditional and contemporary structures of the community and has a capacity to work across both cultures.

They say the plan 'is not a straightforward revival of customary law although it certainly incorporates many elements of that law. Rather it is an innovative adaptation of culturally relevant decision-making, merged with mainstream law and justice'.

***Recommendation 6***

That governments must recognise the value of Indigenous culture, including customary law, in developing governance in all Indigenous communities.

### **2.3 Financial capacity building**

One of the greatest needs of Indigenous organisations, like all other community organisations, is a robust capacity for financial planning and accountability. The whole issue of economic self-sufficiency is identified as a high priority in Reconciliation Australia's 2001-2003 Strategic Plan.

While economic independence is commonly stated as an objective for Indigenous people, little attention has been paid to ensuring Indigenous Australians have access to essential banking and finance services taken for granted by other Australians, let alone any education or training in such matters. Access to commercial and housing loan finance and joint venture capital progressed through partnerships between the private sector and by Indigenous organisations also needs to be improved.

A workshop held by Reconciliation Australia in May 2002 examined these concerns and a further meeting is planned to consider more detailed proposals. The workshop, *Improving Banking and Financial Services for Indigenous Australians*, highlighted the need for capacity building, particularly in areas of financial literacy education and investment funds management. It also stressed the need for greatly increased employment of Indigenous people in the banking and financial sector.<sup>2</sup>

The workshop also heard of some outstanding overseas examples that are improving the economic independence of Indigenous people. One of the innovative examples is the

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<sup>2</sup> Outcomes from the workshop are discussed in more detail in Reconciliation Australia's submission to the Parliamentary Joint Committee on Corporation and Financial Services' Inquiry into the level of Banking and Financial Services in Rural, Regional and remote Areas of Australia.

scheme operated by the Bank of Montreal which, working in conjunction with Canada's First Nation Band Councils, enables individuals to obtain housing loans for homes on the reserves. This scheme, which is quite complex in legal detail, is helping to provide desperately needed homes as well as encouraging economic independence (Jamieson 2002).

***Recommendation 7***

That Federal, State and Territory governments should work with the banking sector and Indigenous organisations on programs to stimulate financial literacy education, investment funds management, training for employment in the banking and financial sector and to develop structures which will facilitate access to finance on Aboriginal land.

### **3. Building the Capacity of Government Agencies**

#### **3.1 Devolution of jurisdictional authority**

Indigenous decision-making requires Indigenous control of governance structures that have real authority. Decision-making authority in this context is more than simply administrative control and may require the devolution of jurisdictional authority. It involves asking questions like: Who is deciding how a budget will be spent or whether a particular development on Indigenous land will occur? Who is determining the electoral system for Indigenous elections, or whether to have elections? (Cornell 2002).

A devolution of jurisdictional authority is required in relation to service delivery to Indigenous communities. The recent Commonwealth Grants Commission (CGC) inquiry into Indigenous Funding recommended (CGC 2001 xiii):

...as far possible, Indigenous people should have authority to make decisions about the services they receive both at the State or local level, and that ideally, this would be accompanied by control over the funds necessary to provide the services...Indigenous people should also be involved in decision-making for mainstream services.

Elsewhere the Commission notes that funding arrangements should be changed so as to 'enable community control of service provision as far as practicable' (CGC 2001:xv-vi). This requires Indigenous participation in the design and delivery of services and the determining of priorities and is reinforced by the findings of the government-initiated Indigenous Families and Communities Round Table. A statement from the Round Table issued by the Minister for Family and Community Services on 24 October 2000 said:

Relevant Government programs should be delivered on a strategic, coordinated and whole-of-government basis. Programs should be based on the views and aspirations of whole communities and Indigenous people themselves should have a central role in the design, planning and delivery of services.

One example of Indigenous decision-making combined with a whole-of-government approach in the delivery of services is the Katherine West Health Services initiative, discussed in greater detail below.

#### ***Recommendation 8***

That Federal, State, Territory and Local governments consider a devolution of jurisdictional authority in the area of service delivery to Indigenous communities. Indigenous people should have a central role in the design and determination of priorities of service delivery.

### 3.2 The role of government in capacity building

Capacity building is not simply about building the capacity of Indigenous communities, it is also about enhancing government agencies' capacity to understand and to meet the needs of Indigenous people. Currently many Indigenous communities face a myriad of government service providers and funding arrangements. Diane Smith (2002) notes that:

There is a high degree of shared government jurisdiction over program and service delivery, alongside an entrenched resistance within government and amongst senior bureaucrats to coordinate those functions.

Engagement by a multiplicity of jurisdictions promotes confusion amongst Indigenous communities and creates a number of problems in that funds are:

- administered by multiple departments, which retain financial authority;
- delivered in a stop-start process;
- delivered via a multitude of small separate grants;
- subject to changing program priorities and practices;
- subject to inflexible conditions and timeframes; and
- overloaded with heavy administrative and 'upward' accountability burdens.

(Smith 2002)

An example of the problems Indigenous communities face with overlapping government jurisdiction can be seen in Ali-Curang, and surrounding communities, prior to their development of law and order plans. The Northern Territory Department of Community Development Sport and Cultural Affairs (DCDSCA: 12) reported that:

Service provision to communities ... was ad-hoc and not coordinated between agencies. Agencies operated within the constraints of what were perceived to be core agency business even though in many cases these were single-issue functions and agency agendas determined the delivery of services and visits to communities. An audit of visits to Ali-Curang and Lajamanu by key agencies showed visits were infrequent and usually of a crisis nature. A similar audit of government services at Borroloola showed services were being provided from a number of different regional centres, (Katherine, Tennant Creek and Alice Springs), visits were infrequent, (in some cases once or twice a year) and almost all visits by agency staff to Borroloola were of a crisis nature.

The absence of a whole-of-government approach has serious implications for on-the-ground service provision in communities. As Smith said 'the *capacity* of government departments to develop a collaborative approach is hard to generate, and even harder to maintain'. It is this capacity that must be built if governments are to improve service delivery to Indigenous communities.

### **3.3 The necessity of a whole-of-government approach**

Indigenous communities are increasingly calling on governments to provide a whole-of-government approach to service delivery. A key element in the operation of the Ali-Curang Law and Order Plan was an agreement entered into in 1997 between community organisations and 10 Territory and Commonwealth agencies. This whole-of-government approach was required because Indigenous communities law and justice concerns ‘encompassed a myriad of inter-related social, cultural, economic, development and educative issues’ (DCDSCA 2001:12). The Ali-Curang law and justice plan identified more than 20 programs, services and initiatives to be undertaken over the course of a three year agreement, and a further 20 community initiatives to be undertaken between service providers and the community (DCDSCA 2001: 12). Approaches such as this are needed to address the acute socio-economic disadvantage faced by the population of many of these communities, as well as the efficacy of service delivery.

The Indigenous Communities Coordination Taskforce (ICCT) has been established by the Federal Government in recognition of the need for a whole-of-government approach. The Taskforce represents an important step. However, without matching a whole-of-government approach to service delivery and without other changes to the way funding is delivered, the government may miss opportunities to fully enhance its capacity to deal with Indigenous concerns.

A critical design feature is whether funding is delivered to support good policy and programs driven by the community or to support only those activities determined remotely and imposed by government.

#### ***Recommendation 9***

That Federal, State, Territory and local governments accelerate strategies to deliver a whole-of-government approach to service delivery. This should be matched with changes to the way funding is delivered to Indigenous communities in order to enhance Indigenous community capacity.

### **3.4 The importance of block funding**

Another way government is able to enhance the capacity of Indigenous communities is through stable, block funding of Indigenous organisations. The Hon. John Ah Kit (2002) criticises the ‘overly-complex and uncoordinated nature of government funding. Any one remote community usually has to deal with numerous overlapping government departments and multiple funding schemes. This funding maze makes it almost impossible for a community to rationally plan its health services’.

Such problems suggest a critical need for stable, block funding of organisations by government before good governance in Indigenous communities can be achieved.

There is a growing body of literature that stresses the importance of block funding to good governance in Indigenous communities. Cornell, for example, states that funding via block grants, as opposed to program funding, moves substantive decision-making power into Indigenous hands and shows government investing in ‘building the institutional capacity of Indigenous nations to back up their power with capable and effective governing systems that operate under their own control’.

In an Australian context, Smith argues that stable block funding is needed by Indigenous communities because current funding arrangements impose a number of restrictions on communities and organisations. The capacity for Indigenous decision-making is dependent on a degree of financial autonomy. She writes:

New models of governance are needed based on a real devolution of financial responsibility to representative community organisations, coupled with sustained support for the development of effective local governing institutions that are accountable to their community members (Smith 2002: 15).

Smith thus stresses the relationship between vibrant Indigenous governance structures and financial devolution.

The benefits of such financial devolution, through block funding, can be seen in the success of the Katherine West Health Board. The Katherine West Health board is block funded, with funding being amalgamated from two sources. The NT Government contributes to the funds pool that money which they would otherwise have spent delivering primary health care in the region. In addition, the Commonwealth Government contributes funds, in the form of ‘cashed out’ entitlements of residents from the Medical Benefits Scheme and the Pharmaceutical Benefits Scheme (at \$536 per person, KWHB 2002).<sup>3</sup>

The Hon. John Ah Kit identifies three main problems associated with government funding of Indigenous health services:

- funding is often overly complex and uncoordinated,
- there is a lack of community perspective in decision-making about program implementation, and,
- funding is inadequate to deal with the scale of Indigenous health problems and issues arising from geographical remoteness.

By contrast, the Katherine West Health Board model may be a best practice model of capacity building in Indigenous communities in that it combines Indigenous decision-making, with a devolution of jurisdictional authority and block funding. The success of the Katherine West Health Board is evident in the fact that similar health service delivery models will be implemented across the Northern Territory.

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<sup>3</sup> The rationale behind the cashing-out this money was the fact that Aboriginal people gained very little benefit from the schemes (partly because there are few doctors or pharmacies in remote areas) in comparison with the benefit which these schemes provided to non-Aboriginal people (KWHB 2002).

### **3.5 Long-term, flexible funding commitments**

Governments are also able to enhance the capacity of Indigenous communities through longer-term, more flexible funding arrangements. One of the key elements of capacity building, as a development process, is that commitments of funding are generally made on a longer-term 15-20 year basis. Many of the problems faced by Indigenous communities are endemic and inter-generational, for which there are no quick fix solutions. If governments are serious about developing the capacity of communities, they must consider longer-term project timeframes for funding.

#### ***Recommendation 10***

That the Federal Government puts in place steps to achieve the stable, long-term block-funding of Indigenous organisations.

### **3.6 Downward accountability**

Discussion of accountability must not only focus on the accountability of Indigenous organisations to government, it must also take into account the accountability of government to Indigenous organisations, otherwise termed 'downward accountability'. Downward accountability involves fiscal and program accountability by State, Territory and Federal Governments to communities such that communities can hold governments accountable for failures to deliver on funding or other program commitments.

Generating 'downward accountability' can be facilitated through setting performance benchmarks for government service delivery. In relation to this point, Reconciliation Australia would like to remind the committee of the first recommendation made in the final report of the Council for Aboriginal Reconciliation to the Commonwealth Government, (CAR 2002):

The Council of Australian Governments (COAG) agree to implement and monitor a national framework whereby all governments and the Aboriginal and Torres Strait Islander Commission (ATSIC) work to overcome Aboriginal and Torres Strait Islander peoples' disadvantage through setting program performance benchmarks that are measurable (including timelines), are agreed in partnership with Aboriginal and Torres Strait Islander peoples and communities, and are publicly reported.

Benchmarking involves the development by government of achievable goals that are measurable in terms relevant to Aboriginal people. It is urgent that such goals be developed.

#### ***Recommendation 11***

The Federal Government should propose that the Council of Australian Governments (COAG) recognize the principle of downward accountability. In the practical application of this principle, benchmarks should be established involving goals that are measurable in terms relevant to Indigenous people.



## **Where to from here? – the role of Reconciliation Australia**

This submission has presented 11 recommendations to the Standing Committee's Inquiry which are designed to aid in developing the capacity of Indigenous communities.

In addition to the role that governments, the private sector and Indigenous organisations have to play in building the capacity of Indigenous communities, Reconciliation Australia acknowledges that it too has a role. To this end, it has identified a number of areas for future work. Consistent with its strategic plan, it will continue to promote the case for good Indigenous governance and the need for governments to get behind this impetus. It will also seek productive partnerships to assist in capacity building and disseminate relevant information on the subject to Indigenous communities and the wider population.

Reconciliation Australia would be happy to elaborate on any points in this submission. We look forward to your report in the hope that tangible improvements in capacity building for Indigenous people will result.

## Summary of Recommendations

### ***Recommendation 1***

That Commonwealth, State and Territory governments in partnership with Indigenous organisations oversee the development of training resources to equip Indigenous leaders with governance skills. Such education may be particularly useful where it is cross-cultural and directed at the practical and legal responsibilities associated with Indigenous decision-making.

### ***Recommendation 2***

That the Department of Employment, Workplace Relations and Small Business devise programs designed to encourage employers to enter into partnerships between Indigenous communities, government and the private sector to stimulate capacity building at an individual and community level.

### ***Recommendation 3***

That governments recognise the link between culturally legitimate governance structures in which leaders are responsive to the needs of their community members and the operation of successful, financially accountable Indigenous organisations. Training initiatives envisaged in Recommendations 1 and 2 should accommodate this relationship.

### ***Recommendation 4***

That any increase in the accountability of Indigenous organisations be met by increasing the capacity of Indigenous leaders to make decisions, even if this means a devolution of jurisdictional authority.

### ***Recommendation 5***

That a national effort to combat family and other violence should encompass capacity building for community members, especially boys and young men, and should identify the good models currently in place across Australia and support their application broadly.

### ***Recommendation 6***

That governments must recognise the value of Indigenous culture, including customary law, in developing governance in all Indigenous communities.

***Recommendation 7***

That Federal, State and Territory governments should work with the banking sector and Indigenous organisations on programs to stimulate financial literacy education, investment funds management, training for employment in the banking and financial sector and to develop structures which will facilitate access to finance on Aboriginal land.

***Recommendation 8***

That Federal, State, Territory and Local governments consider a devolution of jurisdictional authority in the area of service delivery to Indigenous communities. Indigenous people should have a central role in the design and determination of priorities of service delivery.

***Recommendation 9***

That Federal, State, Territory and Local governments accelerate strategies to deliver a whole-of-government approach to service delivery. This should be matched with changes to the way funding is delivered to Indigenous communities in order to enhance Indigenous community capacity.

***Recommendation 10***

That the Federal Government puts in place steps to achieve the stable, long-term, block-funding of Indigenous organisations.

***Recommendation 11***

That the Council of Australian Governments (COAG) recognises the principle of downward accountability. In the practical application of this principle, benchmarks should be established involving goals that are measurable in terms relevant to Indigenous people.

## References

Ah Kit, J. 2002. Good News For Once: Fiscal relationships between governments and Aboriginal people. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Begay, M. 2002. Corporate and Institutional Strengthening for Effective Indigenous Self-Governance on the Ground: Policy Lessons from American Indian Nations. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Begay, M. 2002. The Unstable World of Native Leaders. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Business Council of Australia. 2001. *Indigenous Communities and Australian Business – from little things big things grow* (prepared by the Allen Consulting Group).

Chaney, F. 2002. The Ken Myer Lecture of 26 September 2002. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Commonwealth Grants Commission. 2001. *Indigenous Funding Inquiry- Final Report*, Commonwealth Grants Commission, Canberra. See also: [www.cgc.gov.au](http://www.cgc.gov.au)

Commonwealth Minister for Family and Community Services, Media Release, 24 October 2000.

Commonwealth of Australia. 1991. *Royal Commission into Aboriginal deaths in Custody, National report: Overview and Recommendations*, Australian Government Publishing Service, Canberra.

Cornell, S. 2002a. The Importance and Power of Indigenous Self-Governance: evidence from the United States. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Cornell, S. 2002b. Governance and Economic Development. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Council for Aboriginal Reconciliation. 2002. Reconciliation – Australia's Challenge. *Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament*. Also available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Cranney, M. and Edwards, D. 1998. *Research Report: A concept study into an Australian Indigenous leadership development program*. Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra. See also: [www.aiatsis.gov.au/ailc/](http://www.aiatsis.gov.au/ailc/)

Dodson, M. 2002. Address to the National Indigenous Men's Issues Conference, Coolangatta, 25 October 2002. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Dodson, P. 2002. Leadership and Capacity Building for Community and Regional Governance. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Huggins, J. 2002. 'Our War on Terror at Home – Indigenous Family Violence. *Address presented at the National Indigenous Domestic Violence Conference on 22 October 2002*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

International Working Group on Capacity Building (IWGCB). 1998. *Southern NGO Capacity Building: Issues and Priorities*, Society for Participatory Research in Asia, New Delhi.

Jamieson, R. 2002. *Address on the Montreal Bank's home loan scheme for Canadian reserves presented to the workshop Improving Banking and Finance Services for Indigenous Australians, 10 May 2002*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Katherine West Health Board (KWHB). 2002. History. Katherine West Health Board. [www.kwhb.com.au](http://www.kwhb.com.au)

Land, T. 1999. Conceptual and Operational Issues Arising: Overview paper prepared for the ACBF Workshop on Institutional and Capacity Development, European Centre for Development Policy Management, Maastricht.

Lewis, G. Moree Aboriginal Employment Strategy- A Report to Reconciliation Australia, Reconciliation Australia, Canberra, 2001. See also: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Martin, D. Developing strong and effective Aboriginal institutions. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Menzies School of Health Research. 2000. *Jirntangku Miyarta, Katherine West Coordinated Care Trial Final Report*, Menzies School of Health Research, Darwin. See also: [www.menzies.edu.au/publications/ocpapers/kwcct.pdf](http://www.menzies.edu.au/publications/ocpapers/kwcct.pdf)

Morgan, P. 1997. *The design and use of Capacity Development Indicators*, Canadian International Development Agency, Canada.

Morgan, P. 1999 (a). *Some Observations and Lessons on Capacity Building*, Canadian International Development Agency, Canada.

Morgan, P. 1999 (b). *Community and Capacity Development- Some Strategies*.

Office for Aboriginal and Torres Strait Islander Health (OATSIH). 2001. *Better Health Care: Studies in the successful delivery of primary health care services for Aboriginal and Torres Strait islander Australians*, Commonwealth of Australia, Canberra.

Reconciliation Australia. 2002. Outcomes of the Indigenous Governance Conference, Key Message Number 7. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Smith, D. 2002. Towards a Fiscal Framework for Resourcing Indigenous Community Governance in Australia. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

Sterritt, N. 2002. Defining Indigenous Governance. *Paper presented at Reconciliation Australia's Governance conference*. Available at: [www.reconciliation.org.au](http://www.reconciliation.org.au)

United Nations Development Program (UNDP). 1996. *Capacity development for Governance for Sustainable Human Development*, UNDP.

United Nations Development Program (UNDP). 1997. *Capacity Development, Technical Advisory Paper No 2*, Bureau for Policy development.

## **Appendix: Papers presented at the Indigenous Governance Conference Canberra, 3-5 April 2002**

The full text of these papers may be accessed on Reconciliation Australia's website at: [www.reconciliation.org.au](http://www.reconciliation.org.au). A small number of papers have yet to be included on the site.

### **CONFERENCE OPENING**

Sir William Deane, Patron, Reconciliation Australia	Understanding and implementing good governance for Indigenous Communities and Regions.
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### **Session 1: DEFINING INDIGENOUS GOVERNANCE**

Professor Marcia Langton, Professor of Australian Indigenous Studies, University of Melbourne	Ancient Jurisdictions, Aboriginal Polities and Sovereignty
Professor Stephen Cornell, Director, Udall Centre for Studies in Public Policy and Professor of Sociology and Administration and Policy, the University of Arizona. Co- director Harvard Project on American Indian Economic Development.	The Importance and Power of Indigenous Self- Governance: Evidence from the United States.
Mr Neil Sterritt, President of Sterritt Consulting Ltd. British Columbia, Canada.	Defining Indigenous Governance.
Dr Will Sanders, Fellow, Centre for Aboriginal Economic Research, Australian National University.	Good Governance for Indigenous Communities and Regions: more diverse than unified as much process as structure.

**Session 2:****CORPORATE AND INSTITUTIONAL STRENGTHENING FOR EFFECTIVE INDIGENOUS GOVERNANCE ON THE GROUND**

Dr David Martin, Research Fellow, Centre for Aboriginal Economic Policy Research, Australian National University.	Developing Strong and Effective Aboriginal Institutions.
Dr Manley Begay, Director of the Native Nations Institute, the Udall Centre for Studies in Public Policy. Co-director Harvard Project on American Indian Economic Development	The National-Building Challenge for Native Leaders in an Unstable Policy World.

**Session 3:****AUSTRALIAN CASE STUDIES**

Mr Terry Waia, Chairman, Torres Strait Regional Authority	Greater Autonomy and Improved Governance in the Torres Strait Region.
Ms Alison Anderson, ATSIIC Commissioner, Northern Territory (Central)	A case study of the Papunya power dispute, and the developments that followed the dispute.
Mr William (Sam) Jeffries, Chairperson, Murdi Paaki Regional Council, Bourke, NSW	Good Governance – the Regional and Community Perspective.

**Session 4:****TOWARDS A FISCAL RELATIONS FRAMEWORK FOR COMMUNITY AND REGIONAL GOVERNANCE**

Mr Alan Morris, Chairman, Commonwealth Grants Commission	Lessons from the Commonwealth Grants Commission's 2001 Inquiry.
Grand Chief Edward John, hereditary Chief Ti'azt'en Nation and British Columbia's Minister for Children and Families.	The First Nations Finance Authority (FNFA).



Ms Diane Smith, Centre for Aboriginal Economic Research, Australian National University	Towards a Fiscal Framework for Resourcing Indigenous Community Governance in Australia.
Sir Tipene O'Regan Ngai Tah, Senior Research Fellow at the University of Canterbury, New Zealand.	Indigenous Governance: A Maori Perspective.

**Session 5:  
CASE STUDIES**

Chief Sophie Pierre OBC, Chief of the St Mary's Indian Band of the Ktunaxa Nation	Emergence of the new First Nations Financial Management Institutions in Canada.
Mr Peter Yu, Former Executive Director, Kimberley Land Council	The failure of past Indigenous governance policy and practice.
The Hon. John Ah Kit, MLA, Northern Territory Minister assisting the Chief Minister on Indigenous Affairs	Good news for once: Fiscal relationships between governments and Aboriginal people.
Mr Parry Agius, Executive Officer, Native Title Unit, Aboriginal Legal Rights Movement	Getting it Right

**Session 6:  
COMMUNITY LAW, JUSTICE AND GOVERNANCE**

Justice Robert Yazzie, Chief Justice of the Navajo Nation	Community Justice, Law and Governance
Dr Bill Jonas AM, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission	Community Justice, Law and Governance

Professor Larissa Behrendt	Globalisation and Self-determination: the challenges for sovereignty and governance.
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**Session 7:  
AUSTRALIAN CASE STUDIES**

Ms Winsome Matthews, Chairperson, NSW Aboriginal Justice Advisory Council	Circle sentencing background and current NSW trial.
Ms Jackie Huggins AM	Family Violence in Indigenous Communities: a case of the systematic failure of good governance.
Mr Christopher Vass, Supervising Magistrate at the Holden Hill Court and visiting magistrate to Anangu Pitjantjatjara Lands since 1990.	Imprisonment rates and issues in South Australia.
Ms Gwen Brown and Ms Marjory Hayes, Members of the Kurduju Justice Committee, Ali Curang Community, Northern Territory	The Aboriginal Law and Justice Strategy.
The Hon. John Ah Kit, MLA, Northern Territory Minister assisting the Chief Minister on Indigenous Affairs	Dinner Speech "A Chinaman in the woodpile or a Blackfella in the House?"

**Session 8:  
GOVERNANCE AND SUSTAINABLE ECONOMIC DEVELOPMENT**

Mr Galarrwuy Yunupingu, Chairman, Northern Land Council	Legitimacy, governance and Aboriginal tradition.
Professor Stephen Cornell, Director, Udall Centre for Studies in Public Policy and Professor of Sociology and Administration and Policy, the	Why is Self-Governance so Important in Indigenous Economic Development?

University of Arizona. Co-director Harvard Project on American Indian Economic Development.	
Grand Chief Edward John, hereditary Chief Ti'azt'en Nation and British Columbia's Minister for Children and Families.	Governance and Sustainable Economic Development
Professor Jon Altman, Director, Centre for Aboriginal Economic Policy Research, Australian National University	Enhancing economic development: Governance challenges facing Indigenous communities within Australia's federal system.

**Session 9:  
CASE STUDIES**

Maralampuwi Kurrupuwu, President, Tiwi Islands Local Government	Tiwi Islands Local Government
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**Session 10:  
LEADERSHIP AND CAPACITY BUILDING FOR COMMUNITY AND REGIONAL GOVERNANCE**

Dr Manley Begay, Director of the Native Nations Institute, the Udall Centre for Studies in Public Policy. Co-director Harvard Project on American Indian Economic Development	The Unstable Policy World of Native Leaders
Patrick Dodson, Chairman of the Lingiari Foundation	Leadership and Capacity Building for Community and Regional Governance

**FINAL OUTCOMES AND NEXT STEPS**

Mr Fred Chaney, Co-Chair of Reconciliation Australia	Final Outcomes and Next Steps
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