



Australian Government  
Aboriginal and Torres Strait Islander Services  
State Office – South Australia



**HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON  
ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS**

**INQUIRY INTO CAPACITY BUILDING IN  
INDIGENOUS COMMUNITIES**

**SUBMISSION BY**

**ATSIC SOUTH AUSTRALIAN ZONE COMMISSIONER  
ATSIS SOUTH AUSTRALIAN STATE OFFICE**

**23 SEPTEMBER 2003**

# **CAPACITY BUILDING IN INDIGENOUS COMMUNITIES IN SOUTH AUSTRALIA**

## **ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION ABORIGINAL AND TORRES STRAIT ISLANDER SERVICES**

### **1. Summary**

This submission presents an overview of capacity building initiatives undertaken in South Australia by the Aboriginal and Torres Strait Islander Commission (ATSIC) and, since 1 July 2003, by Aboriginal and Torres Strait Islander Services (ATSIS). It is intended to be complementary to the ATSIC National Office submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HRSCATSIA) Inquiry into Capacity Building in Indigenous Communities, which was provided to the Inquiry Committee on 12 August 2003.

The present submission makes no additional recommendations. Rather, it discusses the outcomes of initiatives made by South Australian ATSIC/ATSIS Regional Offices and the ATSIC/ATSIS South Australian State Office with reference to the arguments and recommendations made by the ATSIC National Office submission of 12 August 2003. The aim of the present submission is to underscore the importance of particular recommendations made by the National Office submission, and also to shed some light on the practicalities of implementing these recommendations.

In particular, the present submission argues that if Indigenous community-based organisations are to reach their full potential the governance training and support that has been provided in the past by ATSIC/ATSIS and other agencies must be better coordinated, re-focussed to better reflect local needs, and delivered more regularly. Organisations need support to develop constitutions that appropriately reflect their purpose and their operating environment. Practical training and support with regard to appropriate organisational management must be provided on a regular basis because of the high turn-over of staff and board members.

This submission also demonstrates that ATSIC/ATSIS in South Australia have consistently impressed upon the South Australian Government the importance of:

- a) A 'community development', 'client driven', 'developmental approach' to engagement with Indigenous individuals, families and community-based organisations in order to assist Indigenous people tackle problems and overcome disadvantage according to strategies and at a pace set by themselves.
- b) A joint approach by Commonwealth, State and local governments and ATSIC in order to achieve:
  - Sufficient collective resources to do what none can do alone;
  - Coordination in policy and strategy;
  - Minimisation of the imposition upon Indigenous people of bureaucratic consultative and administrative processes.

- c) Bureaucracies (including ATSIC and ATSI) and Indigenous community-based organisations that deliver services to Indigenous people being primarily accountable to Indigenous people on the basis of outcomes delivered.

It is the view of ATSIC and ATSI in South Australia that one of the primary reasons why there appears to be a slow and minimalist response to these proposals is that, if such proposals are to be taken seriously, government bureaucracies must make significant changes. Government bureaucracies must re-allocate resources to support a more coordinated location-specific approach. They must also undergo a cultural change in their relations with Indigenous community-based organisations such that they see their primary role to be one of providing timely and appropriate support to initiatives developed in partnership with and lead by Indigenous community-based organisations.

## **2. Background**

### **2.1 ATSI Budget**

ATSIC's total allocation of funds in South Australia was approximately \$80 million for the 2002-03 financial year. The Community Development Employment Projects (CDEP) Scheme and community housing and infrastructure in discrete Aboriginal communities account for the majority of program funds. Elected Regional Councils allocate funds in response to funding applications from (usually) Indigenous organisations.

In service realms outside CDEP and 'community housing and infrastructure', the *Aboriginal and Torres Strait Islander Commission Act 1989* intends ATSIC to be a supplementary funder only, with 'mainstream' Commonwealth, State/Territory and Local government agencies taking major responsibility for funding services to all their citizens, Indigenous and non-Indigenous.

### **2.2 ATSI National Office submission to Inquiry Committee**

On 12 August 2003 the ATSIC national office made a written submission to the HRSCATSI Inquiry into Capacity Building in Indigenous Communities.

The ATSIC national office submission outlines an integrated framework for building human and social capital, and proposes that this framework be adopted by all organisations involved in policy, program and service delivery. The ATSIC framework advocates a developmental approach which must be undertaken at three levels: Indigenous community, community organisation, and government. The submission also contains a table that lists a number of methodologies that might be appropriately employed at each of these levels. A copy of this table is attached at Appendix 1.

A key feature of the ATSIC framework is that it acknowledges the diversity and complexity of contemporary Indigenous societies and cultures and points to the need for government and non-government service delivery agencies to take an integrated

and location specific developmental approach.<sup>1</sup> Importantly, the ATSIC submission proposes that such an approach must be driven by local and regional perspectives, and should have as its aim the improved well-being and sustainable development of Indigenous communities.

The ATSIC framework also acknowledges that, at the government level, there must be internal capacity building within ATSIC, ATSI and the wider bureaucracy to enable agencies to understand, support, and manage such an integrated developmental engagement with communities.

The ATSIC national office submission notes that the ATSIC Commissioners who met with the Inquiry Committee on 18 September 2002 made a number of observations. Of these, the following are particularly pertinent to the issues summarised above:

- Governments still control resources and determine the mode of service delivery, usually relying on a silo organisation of outputs, thereby perpetuating impediments to holistic, whole-of-government activity;
- Institutional racism is often inherent in program planning, and is manifested in agencies as a patronising view of what might be best for Aboriginal and Torres Strait Islanders;
- The potential in the Objects and Functions of the *Aboriginal and Torres Strait Islander Act 1989* have not been realised, particularly those clauses that imply sustainable development. The Board feels that it is necessary to revisit the Objects of the ATSIC Act to ensure maximum Indigenous participation in the formulation and implementation of government policy, the promotion of self-management and self-sufficiency among Aboriginal persons and Torres Strait Islanders, and the economic, social and cultural development of Aboriginal persons and Torres Strait Islanders; and
- Some specified functions flowing from the Objects of the ATSIC Act, particularly the requirement to monitor the effectiveness of programs that resided in mainstream agencies, require more “legislative teeth” and constitutional change.

The ATSIC national office submission makes reference to the *Harvard Project on American Indian Economic Development* as an example of ‘best practice’ research into the issues of supporting good governance amongst Indigenous community-based organisations. The findings of the *Harvard Project on American Indian Economic Development*<sup>2</sup> are worthy of close examination by the Inquiry Committee.

---

<sup>1</sup> Capacity building, capacity development, community development, and sustainable development are popular, but contentious terms. These terms are often used interchangeably, with “developmental approach” being ATSIC’s preferred term to incorporate a range of methodologies used in third and fourth world contexts. See Appendix B of the ATSIC’s 12 August 2003 submission to the Inquiry for more details.

<sup>2</sup> See: Kalt, J. P. (2001) *Policy Foundations for the Future of Nation Building in Indian Country*. Harvard University Native American Program and the Harvard Project on American Indian Economic Development. Malcolm Wiener Centre for Social Policy, John F. Kennedy School of Government

Of particular relevance are the findings of the *Harvard Project* that relate to the issue of how government bureaucracies can create an environment within which the boards and staff of Indigenous organisations are enabled to learn, and where there is an incentive to take responsibility and to work for the good of the community. An extract from a paper by Professor Kalt, which discusses this issue, has been reproduced below:

### **Changing Federal and Tribal Incentives:**

Federal economic initiatives in Indian Country have long been dominated by a “planning and projects” mentality. Sustained and systemic economic development, however, does not consist of or arise from building a plant or funding a single project. Economic development is a process, not a program.

Throughout the world, lasting improvement in economic and social conditions comes about through the creation of institutions and policies that allow development to take hold. The key to tapping this process is *incentives* – in this case, the incentives faced by federal and tribal decision makers and administrators.

The increasing call for “accountability” under federal Indian legislation is being interpreted to mean accountability to the Federal Government, rather than accountability to tribal citizens. This creates the danger that forthcoming federal policies and funding will add to the long list of well-intentioned efforts that have ended up fostering institutional dependence among tribes’ governmental systems and programs.

Such dependence is promoted when federal authorities approach the problem of selecting the recipients of assistance within a government-to-dependent framework in which the federal grantor effectively compels the institutional design of the tribal grantee. The federal authority’s incentive is to avoid mistakes and ensure compliance with procedure in the event a mistake or poor outcome arises. This conservative outlook can be inappropriately manifested in a “checklist” approach to the planning, application, and award stages of program development.

If satisfying checklists turns out to be the way to succeed under federal programs, tribes will have incentives to design their institutions and projects to fit the checklists. In the process, it will be *federal* bureaucratic procedure that drives – as it has for decades – tribes’ choices of development strategies and the design of tribal institutional capacity.

How can such a recipe for continued failure be avoided? The key lies in accountability that emphasizes making tribal authorities primarily responsible to their citizens, rather than to federal authorities. Two kinds of options present themselves.

The first is the block grant approach. Block granting minimizes micromanaging of the allocation of funds and permits the allocation of activity and resources in accord with *tribal* priorities. In the process, block granting changes tribal

leaders' and decision makers' incentives. With tribal authorities in greater control of the allocation of funds, tribal authorities then face enhanced accountability vis-à-vis their tribal members: If resources are wasted, it is tribal decision makers that are responsible.

In addition to block granting, incentives and accountability can be improved by making funding and, especially, continued funding contingent upon actual performance by the recipient tribal authorities, with performance assessed by measured outcomes in the tribal community (such as employment sustained, income generated, etc.).

This approach recognizes that midstream and after-the-fact attention to demonstrating what has gone right can be superior to before-the-fact "checklist" screening that seeks to avoid what can go wrong. Performance based criteria provide incentives for positive performance. Pre-screening for bureaucratic and organizational attributes provides incentives for meeting the federal checklist of attributes.

Such an approach provides incentives for designing tribal systems and policies to fit what the federal guidelines dictate, rather than direct incentives to improve economic and social conditions. It is time that we tried more of the performance-based approach when it comes to promoting economic development in Indian Country<sup>3</sup>.

---

<sup>3</sup> Kalt J. P. (2001) *Ibid.* pp. 7-8.

The ATSIC national office submission made the following recommendations:

***Recommendation 1***

*Adopt ATSIC's integrated capacity building framework for sustainable development (including the developmental approach<sup>4</sup>), and advocate its consideration and adoption by:*

- COAG
- *all those involved in policy, program and service delivery in Indigenous communities*

***Recommendation 2***

*Recognise and endorse the broader role of Indigenous community-based organisations as vehicles for community capacity building, using the ATSIC framework to reinvigorate community-based organisations in a way that will build human and social capital, as well as capacity.*

***Recommendation 3***

*Advocate for a long-term bipartisan approach by governments to capacity building for sustainable development in Indigenous communities and organisations, whilst recognising the need for short/medium term interventions, which address symptoms of disadvantage and dysfunction.*

***Recommendation 4***

*Recognise the integral role of ATSIC regional planning processes and advocate the need for location specific responses by service delivery agencies in all jurisdictions using these plans. Such location specific responses include formalising shared partnership arrangements through agreement making, based on those plans.*

***Recommendation 5***

*Recognise the importance of alliances and/or partnerships with government and NGOs.*

***Recommendation 6***

*Encourage program reform which includes strategies for Indigenous participation in the planning, organisation and administration of programs and delivery of services affecting their wellbeing and development, in recognition of ATSIC's previous research, which shows that a people-centred developmental approach is required to build the human and social capital, and capacity.*

***Recommendation 7***

*Share your Committee's findings with the ATSIC Review Panel.*

---

<sup>4</sup> See Attachment A and Attachment B of ATSIC's 12 August 2003 submission to the Inquiry.

### **3. Recent capacity building initiatives undertaken by South Australian ATSI Regional Offices**

Most of the Regional Office capacity building initiatives discussed in this section pre-date the formal development of the ATSI Capacity Building Framework, as set out in the ATSI National Office submission. However, they are discussed below with reference to both the ATSI Capacity Building Framework and the recommendations of the ATSI National Office submission in order to underscore the importance of the Framework and of particular recommendations, and to shed some light on the practicalities of their implementation.

Tier 2 of the ATSI Capacity Building Framework and *Recommendation 2* of the ATSI National Office submission recognise and endorse the potential of community-based organisations as vehicles for improving the well being of Indigenous people, including building human and social capital. Brief descriptions of some recent efforts by ATSI regional offices to establish capacity-building partnerships with community-based organisations are given below.

#### **3.1 Patpa Warra Yunti Region**

##### ***ATSI/ATSI Initiatives***

In 1999 ATSI organised a forum for four poorly performing Indigenous organisations that were responsible for delivering employment and training services funded through the Community Development Employment Program (CDEP). The aim of the forum was to provide an opportunity for the board members and staff of these organisations to reflect on the nature of the problems they faced in effectively carrying out their responsibilities. In the course of discussions at the forum, participants identified eight areas in which they needed to build their capacity:

- ATSI grant conditions, guidelines and funding cycle for board/staff
- ATSI grant conditions, guidelines and funding cycle for participants
- Legal requirements of ATSI Act
- Appropriateness of organisation's constitution
- Role and responsibilities of Board and staff
- Human resource management
- Financial management
- Project management

Some of these issues, such as poor understanding of ATSI grant conditions, guidelines and funding cycles were addressed by ATSI Field Officers in the course of normal field visits. Other issues were addressed via a series of workshops. In 2001 a series of two-day workshops were held to assist the four CDEP organisations develop a better understanding of the legal requirements of the ATSI Act and the appropriateness of their constitutions. Four one-day industrial relations workshops were also funded. These workshops were aimed at assisting CDEP organisations develop a better understanding of:

- The employment relationship
- Awards and enterprise agreements



- SA laws governing employment
- Minimum standards of leave
- Other features of the employment relationship
- Duties of employers and employees
- Discipline and termination

Later the same year ATSIC worked with the Office of the Registrar of Aboriginal Corporations (ORAC), who conducted a workshop in Adelaide on the responsibilities under the *Aboriginal Councils and Associations Act 1976*. This workshop addressed issues such as the role and functions of the management committee.

Also in 2001 Workcover agreed to build upon the work done by ATSIC by funding a half-day workshop on responsibilities under the Workcover Act for the same four CDEPs. Workcover's Access and Equity Focus Group also developed a *safe work initiative* for Aboriginal and Torres Strait Islanders. The *safe work initiative* involved key service providers (Workplace Services, WorkCover, Business SA and ATSIC) adopting an integrated and coordinated approach to the support they provide to these four CDEPs with regard to the management of safe work issues.

In 2002/03 Patpa Warra Yunti Regional Council (PWYRC) has extended the provision of Industrial Relations training to six other Indigenous community organisations in the Patpa Warra Yunti region. Workcover and Workplace Services will also provide these community organisations with follow up training in safe work practices.

### ***Outcomes***

ATSIS field staff report that since 2001 there has been a significant reduction in industrial dispute costs borne by the CDEP organisations involved. Two organisations have also updated their constitutions, and three more are planning changes to their constitutions. In general, the changes organisations have made to their constitutions are designed to ensure constitutions better reflect the organisation's current responsibilities and clarify the role of management committees.

## **3.2 Nulla Wimila Kutju Region**

### ***ATSIC/ATSIS Initiatives***

Port Augusta Office organised training to be provided to boards of local Aboriginal community-based organisations by State Incorporations and Associations (Office of Consumer and Business Affairs). Most of the organisations in the area are incorporated under the *Associations Incorporation Act 1985*, and for this reason Board of Management training was organised with the State body.

The training offered by State Incorporations and Associations addressed the roles and responsibility of boards of management, incorporations legislation, and constitutions. Training was provided to Port Pirie and Districts in November 2002. In late January 2003 training was provided to organisations in Port Augusta, including: Umeewarra Media; Warndu Family Violence Prevention Service; Kungka Tjutaku Ngura Port Augusta Women's Service; Davenport Community Council; and Pika Wiya Aboriginal Health Service.

### ***Outcomes***

ATSIS Regional Office Staff have indicated that following the provision of training by State Incorporations and Associations the boards and staff of Indigenous community-based organisations now have a greater understanding of their responsibilities under the *Associations Incorporation Act 1985*. However, the training did little to help them with practical issues such as the resolution of disputes between staff and boards.

## **3.3 Wangka Wilurrara Region**

### ***ATSIC/ATSIS Initiatives***

Since August 2000 the Wangka Wilurrara Regional Council (WWRC) have organised quarterly forums for the region's seven CDEP managers. These forums aim to provide regular opportunities for CDEP managers to discuss issues of mutual concern and to receive direct access to the Regional Council. CDEP managers have recently agreed to take over responsibility for organising future forums.

Indigenous resource agencies play a vital role in delivery of locally appropriate services and providing sound planning, management and accounting skills to homelands communities. WWRC is very committed to supporting the establishment of resource agencies across the region. This commitment is reflected in the Wangka Wilurrara Homelands Policy, which was approved by the Regional Council earlier this year. To date, resource agencies have been established in Port Lincoln (established 1 July 2002) and in Ceduna (established 1 July 2003).

This year the Wangka Wilurrara Regional Council has begun negotiations with the District Council of Ceduna to develop a cooperation agreement that will clarify the roles and responsibilities of both parties with regard to the provision of services to Indigenous communities. The parties expect to sign the agreement later this year.

### ***Outcomes***

CDEP managers and Regional Councillors have indicated that the CDEP forums are extremely valuable. They provide community-based organisations responsible for running CDEP programs with a valued mechanism for peer support and enable all parties to develop critical policy direction on issues related to the effective management and efficient monitoring of the CDEP program.

The establishment of resource agencies in the region has also provided community-based Indigenous organisations with valuable practical support and has significantly reduced their administrative responsibilities. The resource agencies now provide community-based organisations with easy access to plant equipment and skilled personnel. They act as a central point of contact for community-based organisations, and assist with reporting to funding bodies.

The South Australian Local Government Association (SALGA) and ATSIC view the agreement that is being developed by Wangka Wilurrara Regional Council and the District Council of Ceduna as the first of a series of local government agreements that SALGA and ATSIC hope to establish in areas of SA where there are discrete Aboriginal communities.

### **3.4 Discussion of Regional Office Initiatives**

Many of the initiatives outlined above serve as practical examples of the sort of activities that could be supported and coordinated by ATSI and the wider bureaucracy in order to reinvigorate community-based organisations. However, if community-based organisations are to reach their full potential the governance training support that has been provided by ATSI/ATSI and other agencies to date must be further developed.

It is the view of ATSI and ATSI in South Australia that is not sufficient simply to educate the boards and staff of community-based organisations about their responsibilities according to their constitution and the legislation under which they are incorporated. Organisations need support to develop constitutions that appropriately reflect their purpose and their operating environment. The regular turn-over of staff and board members suggests that practical training and support with regard to appropriate organisational management, including planning for succession, should be provided on a regular basis.

Also, as discussed above, changes in bureaucratic policy are required in order to create an environment within which Indigenous individuals and the boards and staff of Indigenous organisations are better enabled to learn, and where there are incentives to take responsibility and to work for the good of the community. In recent years, ATSI has consistently stated that for Indigenous organisations to have such incentives they must have the autonomy to set their own direction and be primarily accountable to their own people. The findings of the *Harvard Project on American Indian Economic Development* confirm this view.

#### **4. Recent ATSIC/ATSIIS State Office Initiatives**

Tier 3 of the ATSIC Capacity Building Framework and *Recommendations 4 and 6* of the ATSIC National Office submission emphasise the value of service delivery agencies of all jurisdictions working in partnership with ATSIC at a State and regional level in order that service delivery might be guided by ATSIC Regional Council priorities. ATSIC believes such partnerships can assist service delivery agencies adopting a people-centred developmental approach and delivering services in a coordinated, yet location specific manner.

At the government (or Tier 3) level, ATSIC and ATSIIS in South Australia have put considerable effort over the past two years into developing partnerships with State Government agencies that support a developmental engagement with Indigenous communities.

#### **4.1 Developing Partnerships with State Government Agencies**

##### ***Partnering Agreement***

A Partnering Agreement between the Government of South Australia and ATSIC was signed on 14 December 2001. This agreement contains a number of specific commitments made by the parties to multi-agency action to improve the capacity of the Indigenous community to manage and administer their own economic and social development.

The First Annual Report of the implementation of the Partnering Agreement was approved by the parties on 10 December 2002 (Attachment A).

As of September 2003, ATSIC's partnership with the State Government has given rise to the following notable outcomes:

- The 2003-2005 ATSIC-State bilateral housing agreement commits the State and ATSIC Regional Councils to regular consultation with each other with regard to Indigenous housing issues.
- Priority Indigenous education issues identified by ATSIC and the Department of Education and Children's Services have been progressed.
- ATSIC and the Department of Employment, Further Education, Science and Small Business (DEFESS) have commenced work to develop a guide to the Vocational Education and Training (VET) system for Indigenous organisations and individuals. Planning has also commenced for the remaining years of the Partners in Learning Culture Blueprint for Implementation.
- ATSIC and the Department of Primary Industries and Resources South Australia (PIRSA) have collaborated to develop and deliver a series of introductory aquaculture workshops for Aboriginal community organisations and individuals who have indicated interest in developing aquaculture enterprises.

- Since July 2002 ATSIC South Australian Zone Commissioner, Klynton Wanganeen, has been a member of the Fisheries Act Review Steering Committee. ATSIC also facilitated the establishment of an Indigenous Fishing Issues Reference Group. Through the input of the Reference Group and Commissioner Wanganeen's involvement in the Steering Committee, ATSIC was able to facilitate significant Indigenous input into the Fisheries Act Review Green Paper and the Steering Committee's final recommendations with regard to future amendments to the *Fisheries Act 1982*.
- A partnership between ATSIC and the State Government to address justice issues has developed. A significant public expression of this partnership is the Aboriginal Justice Consultative Committee (AJCC), which is co-chaired by ATSIC, the Chief Executive of the Department of Justice, and the Attorney General's Department. The AJCC holds regional meetings that are aimed at strengthening relationships between justice portfolio agencies and the Aboriginal community. Regional meetings have taken place in Point Pearce, Pt Augusta, Murray Bridge and Port Lincoln where the community has been engaged in an issues-based planning process that will result in the development of regional Aboriginal justice plans.
- The progressive implementation of "Rekindling Family Relationships – Framework for Action 2001-2006". This has involved establishing regional forums across South Australia to provide Indigenous communities with an opportunity to develop local family violence action plans. To date regional forums have been held in Ceduna, Kooniba, and surrounding homelands. A forum is planned for Oodnadatta in the near future.

ATSIC and the State Government are presently in the process of negotiating enhancements to the Partnering Agreement (the existing agreement was made with the former Liberal State Government). The enhanced Partnering Agreement will relate to issues such as:

- Aboriginal Apprenticeships and Public Sector Traineeships
- Aboriginal Fishing and Aquaculture Initiatives
- Aboriginal Liaison Officers in Correctional Institutions
- Aboriginal Mental Health Counsellors
- Anti-Poverty Programs and Strategies
- Child Protection
- Maintaining and Reviving Indigenous Languages
- Indigenous Involvement in the Commercial Development of Native Flora and Fauna
- Ownership and Management of National Parks
- Recognition and Funding for Local Heritage
- Repatriation of Indigenous Ancestral Remains and Other Cultural Property
- Safe House Network for Indigenous Men
- School Retention and Educational Achievement
- State Multi-purpose Residential Facility for Indigenous Sports, Recreation and Education.

## **4.2 ATSIK Submissions to State Government Reviews**

ATSIK/ATSIK also make regular submissions to State Government reviews and inquiries. These submissions typically stress the importance of a multi-level, coordinated developmental approach and contain practical recommendations with regard to the implementation of these principles. A number of recent submissions are outlined below.

### ***ATSIK Submission to Poverty Inquiry***

In late 2002 the ATSIK South Australian State Office made a 98 page submission to the Poverty Inquiry conducted by the Social Development Committee of the Parliament of South Australia. This Inquiry sought to investigate and report on the issue of poverty and its causes in Adelaide's disadvantaged regions.

A general conclusion of the paper was that poverty among Aboriginal and Torres Strait Islanders in metropolitan Adelaide can be alleviated and even eradicated, if five general strategies are pursued simultaneously:

1. Improvements in service to Aboriginal and Torres Strait Islander people by services that are not Aboriginal-controlled.
2. A joint approach by Commonwealth, State and Local governments and ATSIK, in order to achieve:
  - Sufficient collective resources to do what none can do alone;
  - Coordination in preventative policies and strategies.
3. A community development approach to tackling the systemic factors which (often in combination) contribute to acute and chronic poverty among Aboriginal and Torres Strait Islander people.
4. Better targeting of income support arrangements.
5. Expanding the resources and service capacity of Aboriginal community-controlled organisations and initiatives; and improving other services' coordination with them.

The ATSIK submission to the Poverty Inquiry contained 19 practical recommendations. A copy of this submission is attached (Attachment B).

### ***ATSIK State Office submission to the Child Protection Review***

In July 2002 the ATSIK State Office made a submission to the South Australian Government's review of child protection in South Australia.

In preparing this submission ATSIK State Office staff held discussions with key Indigenous community-based interest groups to determine the extent of Aboriginal and Torres Strait Islander Child Protection issues in South Australia. As a result of these discussions the ATSIK submission conveyed the view that Aboriginal and Torres Strait Islander peoples want access to family services that:

- are holistic;
- offer a continuum of coordinated care

- are culturally responsive;
- strengthen community capacity;
- are developed and controlled by Aboriginal and Torres Strait Islander organisations and supported by mainstream organisations.

The ATSIC submission noted that the State Department of Human Services funds a number of community-based pilot programs that possess many of these characteristics. These include the Port Augusta Families Project, the Kinship Program, and the Murray Bridge Aboriginal Family Team.

The ATSIC State Office also made an extensive response to the Report of the South Australian Government's Child Protection Review (the Layton Report). The ATSIC response:

- Highlighted certain recommendations and proposed a priority order among them;
- Identified the relationship between the report's recommendations and the priorities expressed in ATSIC's community-based submission;
- Proposes an 'inclusive' process for shaping the implementation plan and ensuring agencies' accountability.

#### *ATSIC State Office submission to the Generational Health Review*

In December 2002 the ATSIC State Office made an 11 page submission in response to the October 2002 Overview Discussion Paper produced by the South Australian Generational Health Review.

The ATSIC submission also made some key proposals with regard to the health of Aboriginal and Torres Strait Islander citizens and communities in South Australia. These key proposals included:

That the South Australian Government use the following guidelines when renovating or initiating [health] services intended to be suitable for Aboriginal and Torres Strait Islander people, and ensure that the guidelines are practiced by Government-funded agencies:

- Maximum coordination of services, attending to inter-related causes of problems;
- Design and methodology of services to be decided primarily by Aboriginal and Torres Strait Islander people – either via their own organisations, supported by mainstream organisations, or within mainstream agencies which have addressed systemic racial discrimination;
- Service design and capacity to allow flexible response to varying individual, family and community needs; and
- Community and client-driven strategies, which strengthen the capacity of Indigenous families and communities to tackle problems and overcome disadvantage.

## ***ATSIC State Office submission to the Select Committee on Pitjantjatjara Land Rights***

In September 2002 ATSIC made a submission to the South Australian Parliamentary Select Committee concerning the operation of the *Pitjantjatjara Land Rights Act 1981* and related matters. In this submission ATSIC drew the Select Committee's attention to the findings of the *Harvard Project on American Indian Economic Development*, which demonstrated the critical role of self governance to the achievement of building sustainable, self-determined communities. In particular, the ATSIC submission noted that the Harvard Project highlighted the common sense reality that outside stakeholders in Indigenous communities bear few of the consequences of their decisions – and are therefore subject to a much weaker imperative to change.

ATSIC submitted that all dealings with Anangu need to take full account of cultural paradigms and respect Anangu self-determination. Allowing Anangu to have real control of decision-making means that, over time, they will reap the rewards of good decisions – and pay the price for bad ones. ATSIC also submitted that there is on-going misunderstanding about who is responsible for what on the AP lands, namely that the overwhelming bulk of the estimated \$60 million allocated to individuals and services on the lands is not under the control of any single authority, much less the AP Executive Board.

### **4.3 Discussion of Issues**

Through the ATSIC-State joint initiatives negotiated under the auspices of the Partnering Agreement and through submissions to State reviews and inquiries ATSIC/ATSIS have consistently advocated:

- a) A 'community development', 'client driven', 'developmental approach' to engagement with Indigenous individuals, families and community-based organisations in order to assist Indigenous people tackle problems and overcome disadvantage according to strategies and at a pace set by themselves.
- b) A joint approach by Commonwealth, State and local governments and ATSIC in order to achieve:
  - a. An effective pooling of resources;
  - b. Coordination in policy and strategy;
  - c. Minimal imposition upon Indigenous people of bureaucratic consultative and administrative processes.
- c) That the bureaucracies (including ATSIC and ATSIS) and Indigenous community-based organisations that deliver services to Indigenous people should be primarily accountable to Indigenous people on the basis of outcomes delivered.



The three generalised points listed above are not novel. They have been put forward by ATSIC (and many other individuals, organisations and Inquiries for that matter<sup>5</sup>) at a national, state and local level for many years. It would appear that the issue is not that the message has not been heard, but rather that there is resistance to the significant bureaucratic reform that would be required to take these issues seriously.

A change in bureaucratic culture and long-term investment patterns is clearly required if government bureaucracies are to effectively allow Indigenous people to develop locally relevant development strategies and to set the pace at which these strategies are implemented. Bureaucracies would need to provide their personnel with the resources to spend a significant amount of time with Indigenous individuals and communities in order to develop a variety of locally responsive projects. Bureaucracies would need to re-define their sense of purpose, no longer seeing themselves as the 'lead agency' in solving a particular problem facing Indigenous people but rather as good *partners* with Indigenous community-based organisations. The development of locally responsive projects would require bureaucracies to trust local assessments of prioritised need, rather than the current dominant practice of centralised decision making about Indigenous priorities, centralised program design, followed by the extension of invitations to Indigenous communities that request them to demonstrate why they are worthy of being considered eligible to participate in a particular pre-designed program.

To properly coordinate Indigenous policy and strategy, such that there is a discernable difference in the quality of service received by Indigenous people and community based organisations, would also require a re-allocation of resources and a change of bureaucratic culture. Whilst considerable resources are presently being devoted to national and state coordination committees and the development of MOUs and other agreements - all of which are valuable and necessary activities - these will have little discernable impact on Indigenous people and community-based organisations if importance is not placed on supporting the coordination of activities at the field officer level. Such ground level coordination would require agencies to be much more flexible in the manner and means by which they deliver and account for their programs. The possibility of bureaucracies delivering programs through regional one-stop-shops should be explored.

To suggest that bureaucracies and Indigenous community-based organisations with responsibility for delivering services to Indigenous people (including ATSI) should be primarily accountable to Indigenous people for the outcomes delivered is perhaps the greatest challenge to bureaucratic culture. The current emphasis of government 'accountability policy' in Indigenous affairs, particularly with respect to Indigenous community-based organisations, is that organisations must be strictly procedurally accountable to the funding provider. Before receiving funds organisations must undertake to comply with aims, strategies and procedural requirements set *a priori* by funding bodies.

As a result, there are few opportunities and few incentives for the leaders of community-based organisations to take the risk of trying to develop their own visions

---

<sup>5</sup> See, for example, the findings of the Commonwealth Grants Commission *Report on Indigenous Funding 2001*.

and strategies to address the problems facing their communities. Grassroots initiatives are rarely a neat fit with centrally designed program parameters, and community-based organisations often resign to align their operations with bureaucratic priorities rather than community priorities in order to be able to secure funding. From the point of view of an Indigenous leader of a community-based organisation such a situation provides little motivation for hard work and self-sacrifice. At best, there is the incentive of a pay packet, and any personal satisfaction that might be gained from being an honest and efficient instrument in the delivery of a program designed by someone else sitting in a city-based office. At worst, the lack of opportunities to lead in a constructive and locally relevant way may give rise to a situation where it is primarily the self-interested rather than the public-spirited who see value in vying for the leadership of Indigenous community based organisations.

ATSIC in South Australia believes that it is important to promote the reality that in most cases Indigenous community-based organisations do not provide Indigenous people with 'extra' services. Rather, Indigenous-specific services enable Indigenous people to receive a similar level of service to that available to non-Indigenous people (that is, where Indigenous specific services are adequately resourced and functioning properly). In all regions of Australia, Indigenous people obtain services from mainstream agencies at very much lower rates than non-Indigenous people because of barriers to access. These barriers include isolation, the way the programs are designed, how they are funded, how they are presented and their cost to users<sup>6</sup>. Without Indigenous-specific services many Indigenous people would receive no service at all. The funds provided to Indigenous community-based organisations to deliver services to their people are not a privilege: these funds enable many Indigenous people to receive what most non-Indigenous Australians consider to be their civic entitlements.

Consequently, Indigenous community based organisations should be ultimately accountable to the Indigenous people who receive their services. The service recipients should properly be the primary evaluators of the process and its outcomes. The most constructive roles for government bureaucracies are: assist community-based organisations develop a culture of good governance; allow community-based organisations to set their own direction; recognise and reward success; and accept the inevitability and educational value of mistakes as new practices evolve.

As the ATSIC national office submission suggests, ATSIC regional and community planning processes have the potential to assist ATSIS and other government agencies adopt a more coordinated and developmental approach. The current planning process currently being undertaken by each of the three South Australian Regional Councils is identifying regional Indigenous priorities and strategic partnerships with local, state and commonwealth government institutions through which these priorities may be addressed.

Another current initiative with similar potential is the Council of Australian Government (COAG) whole-of-government trial currently underway in the Anangu Pitjantjatjara (AP) Lands. This project is a major priority for ATSIC and ATSIS over the next two years. ATSIS has recently engaged a full-time officer (at the Executive 1

---

<sup>6</sup> Commonwealth Grants Commission *Report on Indigenous Funding 2001*, p. xvii.

level) to support the implementation of whole-of-government initiatives and to promote good communication between the ATSIC Nulla Wimila Kutju Regional Council, Indigenous community-based organisations working on the AP Lands, and government and non-government bodies. ATSIC and ATSIIS will continue to advocate to other government parties involved in the whole-of-government trial that, if this trial is to be successful, it will require government organisations to be more than just coordinated and flexible: they will also need to seriously embrace the kind of cultural changes and resource commitments discussed in this submission.

## APPENDIX 1

### INTEGRATED CAPACITY BUILDING FRAMEWORK FOR SUSTAINABLE DEVELOPMENT

LEVEL OR TIER OF ACTIVITY	"HOW TO" BEST PRACTICE
<p><b>COMMUNITY</b></p> <p>Individuals</p> <p>Families</p> <p>Extended Families/Clans</p> <p>Small Groups</p> <p>Non Incorporated Organisations (with Private Interests)</p>	<p><b>Focus on Empowerment:</b></p> <p>Traditional Community Development methodologies such as:</p> <p>ABCD Asset Based CD (Kretzmann &amp; McKnight)</p> <p>NGDO Best Practice</p> <p><i>These are essentially participative interventions.</i></p>
<p><b>ORGANISATIONS</b></p> <p>Community-based Organisations (Incorporated, with Public Interests)</p> <p>Resource Agencies</p> <p>Native Title Representative Bodies</p> <p>Local Government Authorities</p> <p>Land Councils</p>	<p><b>Focus on Governance:</b></p> <p>Harvard Project – American Indians (First Nations Approach)</p> <p>NGDO Best Practice</p> <p>Community Participation Agreements (ATSIC)</p> <p>ORAC legislative reforms and initiatives</p> <p><i>These align organisation structures to Indigenous decision-making processes.</i></p>
<p><b>GOVERNMENTS (INCLUDING STATUTORY BODIES)</b></p> <p>Regional Commonwealth Agencies</p> <p>Regional/State/Territory Agencies</p> <p>State Governments</p> <p>Commonwealth Government</p> <p>Commonwealth Agencies</p> <p>COAG</p> <p>ATSIC Board of Commissioners</p> <p>ATSIC Regional Councils</p> <p>S13 Committees (SAC)</p>	<p><b>Focus on Integration:</b></p> <p>Whole of Government</p> <ul style="list-style-type: none"> <li>• ICCT</li> <li>• DoTARS Sustainable Regions</li> </ul> <p>Bilateral or other Agreements based on Regional/Community Plans</p> <p>Corporate Plans</p> <p><i>This would lead to homogenous policies, programs, and procedures driven by joint strategic planning rather than submission based interventions.</i></p>

**In Community** — The focus on empowerment at this level indicates that participative community asset development techniques are most appropriate for work with individuals, families and small groups, often incorporating micro-economic activities. Family/clan planning could also include participation in situational analyses, demographic projection and feasibility assessment of economic

development aspirations. These approaches mean local responses to local issues and active involvement in identifying problems and contributing to solutions.

**In Community Organisations** — The focus on governance at this level reflects the public interests of incorporated bodies, often engaged by government agencies to deliver services on their behalf to individuals, families and small groups. The *potential* of community-based organisations as vehicle for community capacity building depends good governance, including how representative they are of the individuals, families and small groups (with their *private* interest) that make up “community”. Negotiation of roles and responsibilities between organisations, and between organisations and kinship based groupings, is a critical aspect of organisational reform. Changes to legislative and regulatory frameworks are required to enable culturally appropriate forms of governance. Community-based organisations that are accountable to both community members and government, are most appropriate at community level.

**In Government** – whole-of-government engagement with whole-of-community would build on the emerging capacities within communities and constituent groups, as well as government agency representatives, and allow flexible service delivery across coordinated agencies in all jurisdictions. Agencies would deal with communities in structured planning environments. (Sec.13 and Sec 94 of the ATSI Act, 1989 are critical in the application of this strategy).

To progress the use of the framework, ATSI has and will continue to implement a range of strategies, which include:

- building internal capacity to understand, support, and manage a developmental approach;
- partnering with appropriate NGDOs on developmental activities
- implementing program reform;
- advocating the adoption of the framework with other agencies and governments.