

Mr Barry Wakelin MP
Chair, House of Representatives Standing Committee on
Aboriginal and Torres Strait Islander Affairs
Parliament House
CANBERRA ACT 2600

Dear Mr Wakelin

INQUIRY INTO CAPACITY BUILDING IN INDIGENOUS COMMUNITIES

The Government of Western Australia is pleased to have the opportunity to make a submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into Capacity Building in Indigenous Communities.

Western Australia is actively engaged in capacity building at the State level through the *Statement of Commitment to a New and Just Relationship between the Government and the Indigenous People of Western Australia*; at a regional level through comprehensive regional agreements and locally through service agreements with communities.

In October 2001 the Aboriginal and Torres Strait Islander Commission Chairperson Ian Trust and I signed the Statement of Commitment, which laid the foundation for a new relationship based on partnership.

The Statement of Commitment recognises the need to build capacity to enable full engagement as partners. The emphasis in the Statement on making regional agreements implied a commitment to building Indigenous capacity to deal with Government at a regional and local level. It also implied a commitment from Government to do things differently and improve its capacity to engage the community.

Since the signing of the Statement, the State Government has been working with ATSIC as the representatives of the Indigenous community, most notably in relation to implementing the Statement and in progressing the Tjurabalan Priority Project.

At the same time individual Departments have endorsed capacity building as an essential component of their work and have a number of strategies and projects under way around the State. These strategies and projects are described in detail in the Departmental submissions, which make up this response to the Inquiry.

As you will see from the various parts of this response, there is a whole-of-Government commitment to see genuine capacity building in the Indigenous community. There is also widespread consensus that Government needs to build its capacity to be an effective partner at the local and regional level.

There are differences across Departments in understanding of capacity building and what it means for the business of Departments. This is to be expected where the business of Departments differs so significantly.

Issues of definition and consistency of approach to capacity building are also being taken up by State representatives at a national level, most recently at a forum convened by the

DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT

**INFORMATION AND COMMENTS FOR THE PURPOSE OF A WHOLE OF
GOVERNMENT RESPONSE TO THE HOUSE OF REPRESENTATIVES INQUIRY
INTO CAPACITY BUILDING IN INDIGENOUS COMMUNITIES**

Introduction

Resulting from Machinery of Government changes, the Department of Local Government and Regional Development (DLGRD) has a major role in community capacity building across the State and is giving a high priority to work with Indigenous people and communities. This work is firmly based on the State's commitments in relation to Indigenous people and communities and also encompasses Commonwealth Indigenous policy and initiatives. These are set out in some detail in the Department's Indigenous strategic approach document which is enclosed with this response and outlined in a little more detail in this briefing paper.

Role of Department of Local Government and Regional Development (DLGRD)

The Department's principal outcome is:

"Enhancing the development and capacity of communities through good governance,
economic growth and social well-being".

In achieving this outcome, its major activities relate to:

- providing support and advice to organisations involved in the development of Western Australia and in building stronger communities;
- working with local governments to achieve the standards required by legislation;
- providing assistance, including funding, to enhance the development of the regions and local governments;
- implementing effective legislation in relevant areas and support its operation;
- supporting individual and community capacity building, with particular emphasis on leadership and governance;
- encouraging devolution of decision making and service delivery to a regional and local level; and
- working towards equity of access to services across Western Australia.

The Department also has a key role to play in assisting the Government to meet its Strategic Objectives of:

- a growing and diversified economy;
- safe, healthy and supportive communities;

- strong and vibrant regions; and
- honest, accountable and inclusive government.

In its Indigenous strategic approach, the Department recognises not only State and Commonwealth policy and commitments but also a number of key principles which are consistent with the terms of reference of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. These can be found at section 5 of the document. The approach also emphasises a consultative and partnership approach to working with Indigenous people and communities and with other organizations, based on clearly identified outcomes.

In terms of the questions raised in the Standing Committee's information material about the Inquiry, these are also encompassed in the Department's strategic approach which draws on all of the Department's programs, skills, resources and activities and initiatives of the Department. It would be fair to say that the Department is at the early stages of considering matters such as leadership and governance with respect to Indigenous communities. It is working with Indigenous people, and at the organisational level with the Aboriginal and Torres Strait Islander Commission and the Department of Indigenous Affairs to establish what Indigenous people want themselves and how they can be assisted.

Relevant Programs and Initiatives

The Department contributes to enhancing the capacity of Indigenous people and communities by:

- making available Department programs and services;
- applying staff knowledge and skills;
- facilitating access by Indigenous people and communities to information about funding programs and to funding for which the Department has responsibility;
- funding individuals or bodies to undertake projects on behalf of the Department;
- developing and implementing policy in relation to local government, regional development and Indigenous people and communities;
- providing advice, information and assistance with respect to legislation administered by the Department; and by
- contributing to relevant committees and working parties and participating in negotiations and the development of agreements as appropriate.

These are all evident in the strategies of the strategic approach document. They are also evident in the examples of current activities and initiatives of the Department, provided below.

Local Government Ministers' Conference (LGMC) Reconciliation Action Plan

Further to the Council of Australian Governments (COAG) Agreement of 3 November 2000, the Department has contributed to the development of the draft LGMC Reconciliation Action Plan. This is currently with the Western Australian Aboriginal and Torres Strait Islander Commission State Policy Centre for consultation purposes and the Department will be meeting with the Centre regarding the draft shortly. Comment is also being provided on the Regional Development Council Reconciliation Action Plan.

DLGRD Indigenous Strategic Approach

As mentioned in the Introduction, the Department has prepared a draft document "Working with Indigenous People and Communities – A Strategic Approach" (Attached). As the title suggests, this outlines the Department's approach to its work with Indigenous people and communities. It has been developed in consultation with other relevant agencies and organisations and was circulated at the end of May 2002 to main State agencies for information, comment and expressions of interest in partnership approaches. There has been a very positive response.

Further to consultation with the Western Australian Local Government Association and Local Government Managers Australia, the document is about to be forwarded to all local governments, the local government sector having a key role to play in capacity building and service delivery at the local level.

As can be seen from the document, the Department's strategic approach with respect to Indigenous people and communities is firmly based on the State Government's Statement of Commitment of October 2001, which formalised a new partnership between the State Government and the Aboriginal community of Western Australia as a basis for reconciliation, and relevant Commonwealth policy frameworks. The latter include the Council of Australian Governments (COAG) Agreement of 3 November 2000 involving a framework to advance reconciliation with Australia's Indigenous Peoples and the direction of the Council that all Ministerial Councils develop action plans, performance reporting strategies and benchmarks.

This is reflected in the Department's involvement in the development of the LGMC Reconciliation Action Plan. The strategic approach also continues to acknowledge the April 1995 LGMC resolution to improve services to Aboriginal and Torres Strait Islander communities, which flowed on from the 1992 National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal People and Torres Strait Islanders with specific reference to local government service delivery.

The Department is working within the framework established as part of the Commitment and has participated in early workshops convened through the Department of Indigenous Affairs, while this regional agreement framework is being put in place.

The approach also takes in to account the work and directions of the State Government's Indigenous Affairs Advisory Committee, the key role of this Committee being to implement the Statement of Commitment. The priorities of the Committee, including the Tjurabalin and Martu projects are reflected in the document and the Department will contribute along with other agencies and the Indigenous people involved as these are progressed.

The four main areas of focus in the Department's approach are as follows:

- the fostering of community leadership and governance;
- facilitation of the provision and maintenance of local services;
- the fostering of partnerships and linkages; and
- the fostering of economic development and independence.

These are the same as the main areas of focus in the LGMC draft Reconciliation Action Plan so that there is consistency and clear direction in terms of effort and desired outcomes with respect to local government and Indigenous people and communities.

The draft strategic approach document sets out what the Department has to contribute with respect to these main areas of focus and how this might be achieved over a three year period. The approach is intended to be flexible and allow the Department to be as responsive as necessary, aiming for partnerships with other organisations and clearly focus on consultation with Indigenous people and communities as the basis for planning and action.

To enhance its capacity to carry out its work effectively, the Department will provide cultural awareness training for key staff and an additional Level 5 position. Further, as a strong indication of the partnerships being developed between the Department and other key agencies, a Level 7 position has been established. This is a joint initiative between the Department, the Aboriginal and Torres Strait Islander Commission, the Department of Indigenous Affairs and the Department of Housing and Works. The level 7 position is expected to be advertised by the end of August 2002.

In the meantime, strategies from the strategic approach are gradually being implemented. Plans are under way for a workshop to be held in the Kimberley. This will involve current Aboriginal councillors and employees of local governments in the region. In addition, a proposal for offering professional development for, initially, Aboriginal community coordinators, through an interactive website is being considered. This will support other initiatives such as the proposed recruitment and workplace relations service being progressed by the Departments of Indigenous Affairs and Housing and Works and also involving the Aboriginal and Torres Strait Islander Commission and this Department. A further possible project in the early stages of development with the State Library of Western Australia is the provision of culturally appropriate library services in several North West centres.

Interagency Indigenous Coordinating Group (DLGRD)

The Interagency Indigenous Coordinating Group is chaired by the Department of Local Government and Regional Development and has taken on an expanded role from the previous Ministerial Coordinating Group on Aboriginal Issues, which the then Department of Local Government established in response to the 1992 LGMC resolution.

The role of the group is to provide a forum for the coordination by relevant agencies of activities and initiatives relating to Aboriginal people and communities within the context of the role of the Department of Local Government and Regional Development and the local government and regional development portfolio.

The overall aim of the Group is to improve Aboriginal participation in local government and regional development and, to achieve this, the Group is working to the following terms of reference:

- To improve local government services to Aboriginal communities through:
 - the development of strategies to improve Aboriginal participation and involvement in local government;
 - awareness raising with Aboriginal communities on the role of local government;

- promotion of increased awareness within local governments of Aboriginal issues and culture;
 - the development of strategies and options to overcome constitutional, legislative, administrative, financial, cultural or other barriers to the effective delivery of local government services to Aboriginal communities;
 - the development of a set of principles for the normalisation of local government services to Aboriginal communities consistent with the equitable delivery of those services;
 - the initiation and support of interagency pilot projects with the aim of normalising local government services to selected town based and large remote communities; and
 - the consideration or coordination of related initiatives and programs.
- To facilitate initiatives which will enhance the capacity and independence of Aboriginal people in decision making and community governance.
 - To enhance the development and capacity of Aboriginal people and communities through good governance, economic growth and social well-being.
 - To facilitate interagency consideration of partnerships, joint working arrangements and agreements with Aboriginal communities relevant to the local government and regional development portfolio.

The Group has representation from the Department of Indigenous Affairs; the Aboriginal and Torres Strait Islander Commission; the Departments of Housing and Works, Planning and Infrastructure and Health; the Office of Aboriginal Economic Development; and the Western Australian Local Government Association.

Western Australian Community Leadership Initiative

The Department is also progressing the Western Australian Community Leadership initiative.

As part of this initiative, in April 2002, a WA Community Leadership Workshop was held. Convened by the Department, hosted by the Institute for Regional Development and the University of Western Australia and supported by the Commonwealth Department of Family and Community Services and the Rio Tinto WA Future Fund, the anchor workshop involving two hundred and seventy delegates was held at the University of Western Australia, with thirty two workshops held simultaneously at locations across the State. Overall, seven hundred and twenty one people shared their vision, information and ideas around the four main themes of the Workshop. These were:

- becoming inclusive communities;
- encouraging new leadership;
- valuing the contribution of youth; and
- local government and community leadership.

Many needs, views and suggestions with respect to capacity building in Indigenous communities were put forward, thirty five Indigenous delegates contributing at the anchor workshop and others in various locations across the State.

Drawing on the information and outcomes from the Workshop, a draft Western Australian Leadership Plan is now in its final stages. This includes a key strategy to develop and implement the processes and administrative framework to support the networking, communication and partnering needs of all stakeholders in community leadership development. A key action to support this strategy is to develop a process to ensure wide representation of Indigenous people in the design and implementation of leadership development opportunities.

Western Australian Local Government Grants Commission and Aboriginal Roads Committee

The Local Government Grants Commission is a statutory body established under the *Local Government Grants Act 1978*. It has five members.

The Commission makes recommendations to the State and Commonwealth Ministers for Local Government on the distribution of financial assistance grants to local governments, totalling \$152 million in 2000/2001.

This amount is divided into an *equalisation component* and a *local roads component*.

The two components are distributed according to *principles* which have been developed in consultation with local government and approved by the Commonwealth. The funding provided to councils is *untied* (i.e. there are no conditions on how the money should be spent) and is allocated on the basis of *horizontal equalisation*, to ensure that each local government in the State is able to function at a standard not lower than the average standard of other local governments.

Seven percent of the *local roads component* is set aside for Special Projects, one third for Aboriginal Access Roads and two thirds for bridges. The remaining 93 percent is distributed in accordance with the *Asset Preservation Model*. This Model is used to assess the cost of maintaining a council's road network, and takes into account annual and recurrent maintenance costs.

Aboriginal Roads Committee

There are some 8000 km of roads serving remote Aboriginal Communities and it is estimated that in excess of \$6.0 million would be required each year to maintain these roads to a reasonable standard and to upgrade the worst sections to a formed and partly sheeted standard. As the funds available are only one third of the amount required [\$2.2m in 2000-01] priorities have to be established to ensure that the funds are distributed equitably in accordance with the needs of Aboriginal Communities.

The Commission formed the Aboriginal Roads Committee to determine these priorities. The Committee advises the Commission on procedures for determining the allocations for roads serving remote Aboriginal Communities, and to recommend the allocations that are made each year.

Membership of the Committee is made up of one representative of each of the following bodies:

- Department of Aboriginal Affairs
- Aboriginal and Torres Strait Islander Commission
- Western Australian Municipal Association
- Main Roads WA
- Local Government Grants Commission

The Commission writes to Aboriginal Communities each year advising them of the funding arrangements for roads serving Aboriginal Communities. The aim is to achieve greater consultation with Aboriginal communities.

Selection Criteria for Aboriginal Access Roads

The Commission has agreed that the following conditions should apply:

- only projects that are on the Council's Road Inventory are eligible for Special Project funds;
- Council accepts responsibility for the road and regularly maintains it;
- funding is based on selection criteria;
- there must be adequate consultation with Aboriginal Communities; and
- sealing work is not eligible.

The main function of the access roads is to provide Aboriginal Communities with access to supplies, medical services etc. The Aboriginal Roads Committee has therefore designed the selection procedures to reflect the importance of each road as a supply route. The criteria used to rank projects submitted by councils are:

- population;
- distance of a Community from a sealed road for transporting supplies;
- the standard of the access road connecting the Community to the sealed road;
- wet weather accessibility; and
- the percentage of Aboriginal traffic using the access road.

A weighting system is used for each of the selection criteria.

The matter of roads is a critical one in terms of access for Indigenous communities. At a recent meeting of the Interagency Indigenous Coordinating Group (DLGRD), the considerable needs in this area were considered, the outcome being a request that the Chairman of the Commission write to the relevant Ministers (Planning and Infrastructure and Indigenous Affairs) highlighting the level of concern in this regard. The issue has also been raised in the context of Indigenous emergency mitigation as lack of access can greatly hinder emergency efforts.

Telecentre service delivery and capacity building in Indigenous communities

All Telecentres are established as local community owned and operated Incorporated facilities. They are funded by DLGRD to employ a half-time Co-ordinator for 20 hours per

week to deliver government and private sector services. All other costs must be covered from other sources, such as administration on costs, utility charges, rent, facility upkeep etc. The Commonwealth Government's Networking the Nation (NTN) Fund is contributing \$1.6 million to expand the Telecentre network out to 100 sites.

There are currently 93 Telecentres. They provide communities with public access to a facility in a prominent location in the community that offers a mixture of high tech equipment such as computers, a wide variety of software packages, printers, scanners, photocopiers, fax machines, TVs and Videos, Westlink satellite dishes and two-way videoconferencing. Examples of the services delivered include access to:

- a Centrelink service
- Medicare Easyclaim
- an ATO information and referral service
- a Health and Aged Care information and referral service
- information and referral for the State Government's employment initiatives
- information about State Government services and programs
- Westpac/Challenge Instore banking
- TAFE and University enrolment and courses
- professional development courses
- videoconferencing
- secretarial services
- internet and e-mail
- publication of local newspapers
- printing
- meeting/Conference facilities
- many Telecentres are collocated with other services including local libraries, local and State government services.

The Telecentre Support Branch is based in the DLGRD to provide the Telecentre Management Committees, Telecentre Co-ordinators, volunteers and their communities with:

- access to a managed roll-out of full two-way videoconferencing (\$500,000 of Commonwealth NTN Funds).
- opportunities to establish high tech transportable Telecentres in remote communities more than 500 kilometres from Perth (\$1.225 million of Commonwealth NTN Funds).
- opportunities to establish Internet Booths where populations of approximately 200 people exist (\$1 million of Commonwealth NTN Funds).
- access to opportunities to establish Telecentre facilities in solely Indigenous Communities (\$220,000 of Commonwealth NTN Funds and \$72,000 from the WA Rio Tinto Future Fund).
- training in areas that ensure compliance with governance obligations under the Incorporations Act.
- assistance to plan, develop and budget yearly activities.
- assistance to establish local and region wide service delivery projects.
- assistance to attract grants from other sources.
- access to brokered network wide income generating business.
- access to forums that establish communication between Telecentres and stakeholders across the State.
- a co-ordinated distribution of information about government services and programs.

Telecentres in Indigenous Communities

This project will provide for remote communities with a solely Indigenous population to be afforded the opportunity to establish a Telecentre facility that suits their particular needs and local infrastructure.

The project aims to:

- to broaden the application of the Telecentre model so that it more appropriately applies to the needs of remote Indigenous communities.
- to establish mechanisms that allow for more government and private sector services to be delivered both over the counter and online into remote Indigenous communities.
- develop local self directed management of Telecentre facilities.
- provide Indigenous communities with a range of models and processes that allows application of the Telecentre concept to be easily explored by them.
- establish improved solutions to the application and management of technology in remote Indigenous communities in Western Australia.

This initiative will form part of the WA Telecentre network and receive ongoing support from the TSB to:

- improve service delivery.
- research the most appropriate mix of 5 remote Indigenous communities in Western Australia to introduce the Telecentre concept and determine the extent of suitable telecommunications infrastructure and service requirements.
- determine the best way to understand when these communities are best prepared to take on a facility of this type.
- establish appropriate "lead in" strategies for the introduction of the Telecentre concept and associated technology into these communities.
- determine the best way to establish a group of appropriately trained local people to run the facility.
- determine the best mix of equipment, services and support for these Telecentres.
- determine the extent that cost recovery could be expected.
- ensure the project establishes a culture for agencies to match their service provision and information distribution into these communities with the local physical and social infrastructure.

Input to State Policy Development and other portfolio working parties

The Department was invited to contribute to the development of the State Strategic Plan and participated in the four core policy groups. Goals relating to the wellbeing of Indigenous people and capacity building strategies and outcomes were put forward for inclusion in the Plan. The Department has also, more recently, been participating in the Roadmap policy group activities.

In addition, the Department has been represented on, and has contributed to, a number of working parties and committees at both senior executive and senior officer level. These include:

- the State Mitigation Committee and the Indigenous Emergency Mitigation Senior Officers' Group
- the Senior Officers' Group, Drug and Alcohol Strategy; and
- the Early Years Taskforce and Senior Officers' Group;

all involving consideration of Indigenous outcomes and across government partnerships and strategies. The Department has also contributed to the Office of Youth Affairs (now Office for Children and Young People's Policy), Department for Community Development, process for establishing needs for the allocation of funding for facilities for young people. The Department has facilitated the involvement of local governments, Regional Development Commissions and Aboriginal organisations in the consultation process so that information about the funding is available and there is equitable access to opportunity to make an application.

SUBMISSION TO PREMIER AND CABINET

**For Parliamentary Inquiry into
Capacity Building in Indigenous Communities
being undertaken by**

**THE HOUSE OF REPRESENTATIVES STANDING
COMMITTEE ON ABORIGINAL AND TORRES STRAIT
ISLANDERS**

INDIGENOUS CAPACITY BUILDING IN WESTERN AUSTRALIA

Prepared by the Policy and Coordination Directorate
Department of Indigenous Affairs
2002

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1. OVERVIEW

In Western Australia the Department of Indigenous Affairs (DIA) sees Capacity Building as a part of a holistic approach to Indigenous Advancement and therefore has endorsed a two-pronged approach. DIA sees the need for:

- Building the capacity of the Indigenous community to determine and manage positive change;
- Capacity building in government that sees them engaging with the Indigenous community in partnership approaches to achieve agreed outcomes.

Whilst this paper highlights all of the departments capacity building initiatives DIA has identified some clear and specific gaps that present hurdles to both processes.

Through extensive research and consultation, mentioned in detail in this submission, the Department arrived at discreet challenges in terms of leadership development, recruitment of effective staff into remote communities and effective governance as three of the most important challenges to overcome.

Around all of these is a focus on a holistic community development approach to capacity building, with none of the above being achieved in isolation of the other. This focus hinges on effective engagement and participation of Indigenous people in all decision making that effects their lives.

2. DEFINING CAPACITY BUILDING

To date, a definition has not been universally agreed on, however, DIA supports the broad agreement around the United Nations view as:

*"the process by which individuals, organisations, institutions and societies develop abilities (individually and collectively) to perform functions, to solve problems and to set objectives"*¹

Human Rights The Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr W Jonas, in his 2001 report² claims capacity building is a vehicle for new ways of linking existing societal structures and giving political recognition to Indigenous people's status.

In this way DIA asserts capacity building is closely connected to Governance. Governance being the development of structures (societal and other) and processes for decision-making. The term encompasses accountability practices, leadership, and control and authority in partnership processes.

The Commissioner also supports capacity building being related to the ATSIC view which is stated as

"... the abilities, skills, understandings, values, relationships, behaviours, motivations, resources and conditions that enable individuals, organisations,

¹ United Nations Draft Declaration of the Rights of Indigenous People.

² Chapter 3

sectors and social systems to carry out functions and achieve their developmental objectives over time."

Although a diverse range of capacity building definitions, approaches, and models, are applied internationally growing evidence supports successful practices are moving towards participatory approaches with communities determining and creating their own futures.³

3. BACKGROUND

The Need for Indigenous Community Capacity Building in Western Australia.

Over the past 30 years, the shift from early government or mission run settlements to communities that are largely self-managed has reflected an intention by governments to respect Indigenous peoples right to self determination. Unfortunately this change in policy was not accompanied by a transfer of resources, and expertise, to communities that were largely unskilled and inexperienced in such management.

The complexities of self-managing communities was further complicated by the protection and assimilation policies inflicted on Aboriginal people in the preceding decades. Through these policies, people were removed from their traditional lands and located in settlements that usually bore little resemblance to traditional Aboriginal groupings. Traditional patterns of interaction were severely disrupted through the forced socialisation of different clan and language groups leaving an enduring legacy of confusion and conflict.

The legacies of this change remain today as communities either sink or swim often based on the presence or absence of a few skilled and committed individuals.⁴

Despite the implementation of the policy of self-determination and self-management by successive governments over the last three decades, it is doubtful whether Indigenous communities have ever been able to exercise genuine decision-making.

True self-determination involves the '*right to demand full democratic partnership to negotiate freely their status and representation in the State in which they live.*'⁵ This calls for full effective partnerships and participation processes in decision-making, where the Indigenous status is respected for its unique and distinctive role in mainstream societal structures.

The lack of real outcomes as a result of questionable processes of self-determination could be due to lack of systematic support for the development of effective governance, as well as a lack of support for capacity building at the local and regional level. To reverse this would require the support of a more autonomous approach to development with local communities engaged in decision making that will effect their lives.

Such autonomous social and economic development requires a closer alignment of resource allocation to need.⁶ This has most strongly been argued in the RCIADIC

³ Brown 1993; Healey and Shaw 1993; Tacconi and Tisdell 1993.

⁴ *DIA Submission to the Review of the Aboriginal Councils and Associations Act.* Office of the Registrar of Aboriginal Corporations. 2002. See attachment 2.

⁵ Daes, E Discrimination against Indigenous People, UN Doc E/CN.4/Sub.2/1993/26/Add.1, 19 July 1993, para 26.

⁶ Commonwealth Grants Commission (CGC), *Report on Indigenous funding.* Canberra 2001.

National Report⁷ which particularly recommended tripartite block funding for Indigenous organisations and '*wherever possible this funding be allocated through a single source with one set of audit and financial requirements but with the maximum devolution of power to the communities and organizations to determine the priorities for the allocation of such funds*' (RCIADIC 1991).

Rationale for Systemic Change

There is a clearly articulated, and nationally supported, need for systemic changes in the way the wider Australian community (including government) works with Indigenous peoples clearly evident in the 'gap of disadvantage'.

The implications that arise from this are well defined by ATSIC.

*"The range of social, economic and cultural issues confronting Indigenous communities and peoples requires both general and specific responses in facilitating change. The wider the involvement of all the Indigenous people in developing their capacities to determine the nature, pace and objectives of change, the more likely it will be that the changes will be effective and sustainable. While there can be no certainty that outcomes will be achieved in every instance, it is certain that effective facilitation will lead to useful learning for the participants, and make a clear break with the 'Welfarist' approach to Indigenous community development."*⁸

The current trend of program and community service delivery approaches falls short of recognising the value of Indigenous participation. Indeed it constrains the ability for Indigenous peoples to influence outcomes too often set outside of effective consultation and engagement.

October 2000 Indigenous Families and Communities Roundtable

This was again reinforced at the October 2000 Indigenous Families and Communities Roundtable. The Roundtable communiqué, identified the following principles to support community capacity-building:

- Flexibility in programme administration;
- Coordinated, whole of government responses;
- Collaborations between business, churches, Indigenous organizations, other non-government bodies and the broader community;
- Building upon existing strengths and assets within families and communities;
- The empowerment of individuals and communities in leadership and management;
- Encouraging self-reliance and sustainable economic and social development.

⁷ Royal Commission into Aboriginal Deaths in Custody National Report Canberra 1991. Other Reports that have raised similar concerns: *Attorney-General's Department Review 1995; Review of the Aboriginal Councils and Associations Act Final Report 1995; Report of the Special Auditor 1996, Reports of the Auditor-General; Review of financial accountability requirements of Aboriginal and Torres Strait Island Councils, ATSIC Report on Greater Regional Autonomy*. For some discussion see ATSIC, *Resourcing Indigenous development and self-determination – a scoping paper*, ATSIC, Canberra, 2000, Appendix 2 – 'Some recent reports dealing with Indigenous funding issues'

⁸ *ibid*

4. CAPACITY BUILDING: THE DIA PERSPECTIVE

The role of the Department of Indigenous Affairs is to ensure relevant parts of the broad public sector are working in concert to meet the needs of the Indigenous people by acting as a catalyst to mobilise and integrate the resources of the Commonwealth, State and Local government agencies.

DIA recognises the complex and technical nature of the environment in which communities operate and the often unfair burden placed on communities to manage without appropriate support mechanisms and without sufficient access to specialist expertise.

The Department therefore advocates for two major elements in its approach to capacity building:

- Firstly it advocates for **developing the capacity of government** to work collaboratively, in partnership with Indigenous people, to provide equitable services and appropriate support mechanisms for communities.
- Secondly DIA supports capacity building in communities to see **Indigenous Western Australians engaged and participating** in setting and meeting agreed outcomes for its people, families and communities.

It is expected that building the capacity of government will create a greater understanding of the cultures that exist and work to support the engagement of Indigenous peoples. It will break the cycle of misunderstanding and allow for the shifts required to discover new ways to address modern issues, as well as seek new opportunities as they present themselves.

Decision making regarding such integrated service delivery will be more effective when aligned to the governance structures and processes that Indigenous organisations choose to manage their communities.

DIA recognises the Indigenous people of Australia are an innovative people who have lived their lives with great exuberance, whilst engaging selectively and creatively with the Western world. This is a great accomplishment and should be recognised as such, to provide the basis on which to build new working partnerships between two fundamentally discordant cultures.

Systems that work can be established through the development of effective partnerships and applied to a broader range of discrete and remote communities.

The 1997 WA Environmental Health Needs Survey (The survey)

The Survey identified poor community management and administration in many remote communities as a major obstacle to sustainable improvements across key indicators of environmental health.

It showed communities with a history of poor management and high levels of social disruption tend to be those with reduced asset life, high repair costs and a recurring need for capital replacement. These communities therefore, either tend to get more than their share of resources as they constantly have high need or, they are avoided completely by agencies under pressure to show value for money.

Identifying Indigenous communities with the highest environmental health needs is a major part of the Environmental Health Needs Coordinating Committee (EHNCC), of which DIA is a member. This Committee, with the assistance of the subcommittee, chaired by DIA, coordinates appropriate government action.

The NARU Report.

The consultant's report "*Revisiting the Old in Revitalising the New – Capacity Building in Western Australia's Aboriginal Communities*⁹" was commissioned by the Senior Officers Working Group on Capacity Building, an interagency group lead by DIA. This group was established at the recommendation of the EHNCC to examine capacity building in Indigenous communities. The NARU Report was completed in June 2000. It involved case studies of the Jigalong, Warburton and Wirrimanu (Balgo) communities.

The Report defined "capacity" in a broad holistic sense to include the overall social health of the community as well as capacity for policy making and operational management and utilization of infrastructure and community programs.

Key findings from the Report identify that:

- Building the capacity of Aboriginal communities to self-manage their affairs offers the best potential for improving the poor conditions currently experienced in most of these communities.
- Understanding the role of internal Aboriginal community politics and associated internal decision-making processes is central to the issue of building management capacity within communities.
- There needs to be a single agency ultimately responsible for the overall Aboriginal community development

The report makes recommendations in the following areas:

- Improving government service provision and coordination between agencies;
- Provision of training, mentoring and leadership support;
- Community staff recruitment and competencies;
- Appropriate governance structures for Aboriginal communities;
- The need to understand and work with community politics and decision making processes;
- Improving access to local government services;
- Developing Benchmarks for capacity building;
- A proposal for a pilot project to be implemented in a discrete community

⁹ Gerritsen, Crosby and Fletcher, North Australia Research Unit. Australian National University, *Capacity Building in Western Australia's Aboriginal Communities*. 2000. See attachment 1.

5. PROJECTS CURRENTLY BEING UNDERTAKEN BY DIA AS A PART OF CAPACITY BUILDING WORK

Priority Project - Tjurabalan

The recent Tjurabalan native title consent determination provides a significant opportunity for a partnership approach leading to a comprehensive social and economic development strategy for the Tjurabalan region.

The claim encompasses the communities of Kundat Djaru (Ringers Soak), Billiluna and Mulan. It surrounds the community of Wirrimanu (Balgo). The combined population of the region is approximately 1200 people. Tjurabalan have determined their native title governance structure and formal status as a Prescribed Body Corporate awaits determination by the Registrar of Aboriginal Corporations.

Requirements under the Tjurabalan native title determination that need to be addressed in the coming months, include the development of a joint management plan for the Canning Stock Route and the establishment of the Prescribed Body Corporate (PBC). It is proposed that native title requirements form the first phase for negotiating an agreement.

Phase 2 will be the development of the State's interface with ATSIC's regional planning encompassing economic and social development strategies. ATSIC's regional planning process is mandated under the ATSIC Act and is the main basis for identifying needs and allocating resources. There has been very little State Government linkage with this process, which channels approximately \$250 million annually to Western Australia.

Linking with this process will enable greater synergy between State government and ATSIC efforts, avoid duplication and promote complementarity of State, Commonwealth and ATSIC resources. It will also ensure that the State's resources are targeted towards needs identified by Indigenous people.

As a vital early step, the proposal for the development of comprehensive agreement in Tjurabalan has been put before and subsequently endorsed by the Wunan Regional Council. The native titleholders have also met with ATSIC and senior State officials and indicated they support, in principal, the proposal for a comprehensive agreement on service delivery.

A Tjurabalan Working Group involving the Kimberly Land Council (KLC) (representing the Tjurabalan people), ATSIC, the Department of the Premier and Cabinet and the Department of Indigenous Affairs has been formed. The immediate task of the Working Group is to undertake a scoping exercise that would focus on identifying issues for negotiation, integrated government and community service delivery, Indigenous governance, regional agreement negotiation process and resources.

Universal Intervention Initiatives

DIA has worked with the Institute of Child Health Research, at a national and state level to increase understanding and demonstrate how improvements could be made to whole communities through children and their mothers.

Statistical evidence proves that Indigenous people are over represented in virtually all aspects of social disadvantage. In Western Australia, Indigenous people comprised 16.6% of all two family households; 40% of all adult imprisonments; 10% of all victims of sexual assault; and, 8.7% of males aged 20-24 who committed suicide¹⁰. Whilst these figures are in themselves alarming, the long term latent and cumulative effects of these risk factors make it imperative for governments to commit to a primary prevention approach, which is built around an evidence-based, strategic framework and is resourced over the long term.

This work has resulted in generating an understanding of two major ways to prevent disadvantage:

- To stop or at least reduce the disadvantages that starts in childhood from multiplying into serious life and self-esteem damaging issues for Indigenous people in their teenage years.
- To limit, or reduce the cycle of damage by replacing it with self-governance, which allows the communities, families and individuals to be take responsibility for their actions.

However it will be necessary for Governments and agencies to assist in:

- Building Functional and resilient families and communities
- Promoting good development, health and growth of children, from before their birth to their early schooling
- Helping to break the alcohol abuse cycle and reduce tobacco use

DIA advocates building capacity through universal intervention initiatives to enhance physical and social well being and thereby do much to address the common denominators which lie at the foundation of visible symptoms of community dysfunction such as community violence, youth suicide, alcohol misuse, vandalism and sexual abuse.¹¹

The approach supports improvements can be made by combining these points with upgrading of essential services in communities and towns.

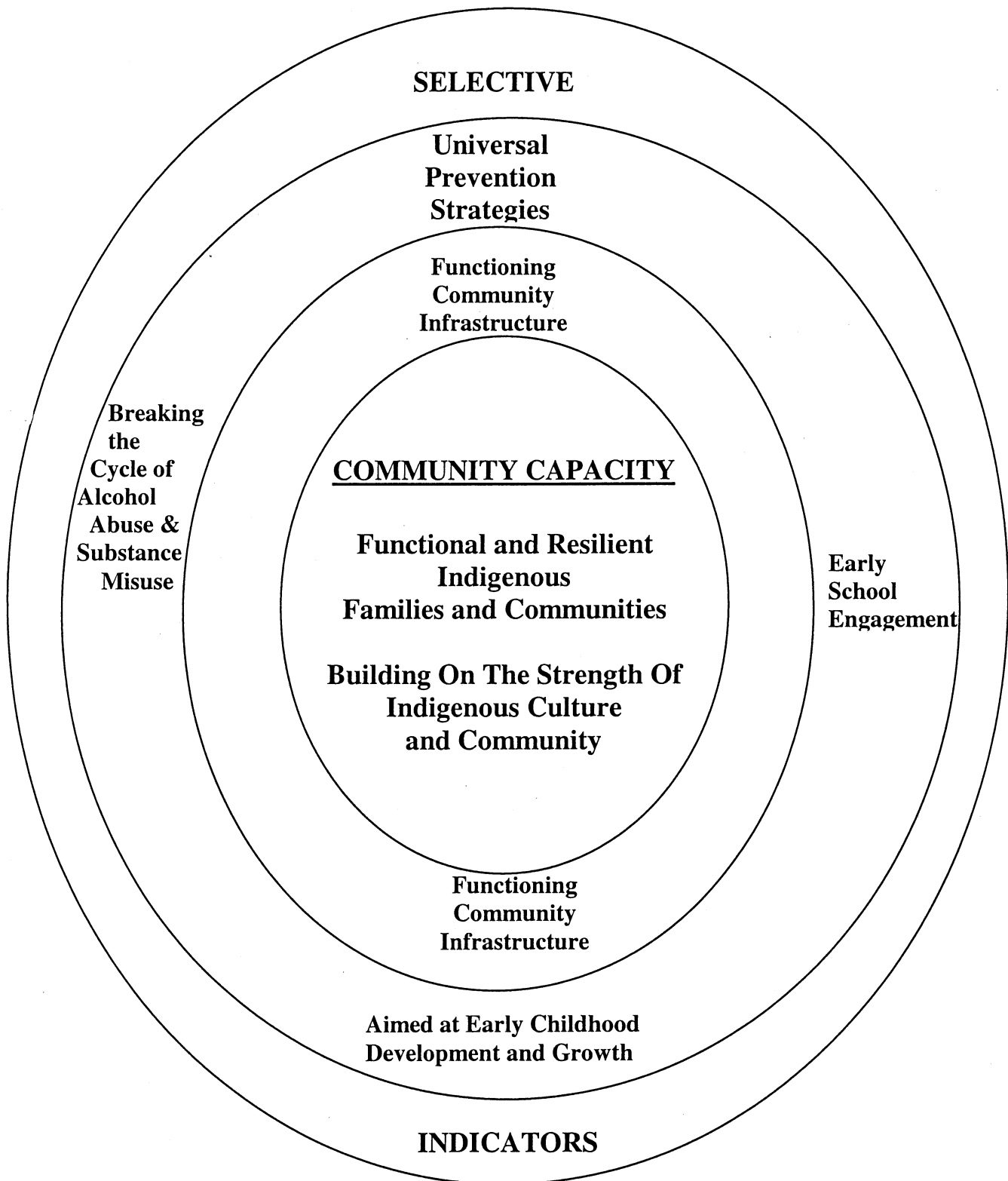
In this area capacity building is critical to sustain improvements in the physical well being of residents as well as their social, cultural and emotional well being which contribute to the resilience of the community as a whole. Capacity in this sense refers to the ability of each individual to reach his or her full potential in a safe nurturing environment.

Figure 1 provides a diagrammatic representation of how the proposed primary prevention approach is focussed around the key action areas endorsed by governments and the Indigenous communities. (See section 6 – Indigenous Affairs Advisory Council (IAAC) agreed areas for action)

¹⁰ Source: 1996 ABS Population Census Data

¹¹ TVW Telethon Institute for Child Health Research (2002): *“Preliminary Validation of the Proposed Whole of Government Indicators Addressing Indigenous Disadvantage (Feb 2002) – A Report to the Western Australian Department of Indigenous Affairs”* (Unpublished).

Figure 1



Community Action Groups

The establishment of Community Action Groups was a recommendation of the Kaata Wangkinyiny Region Noongar Plan. The Plan was developed following extensive consultation with Noongar people in 20 communities throughout the South West. The Kaata Wangkinyiny Region Noongar Plan was a joint initiative of the Aboriginal and Torres Strait Islander Commission (ATSIC) and Aboriginal Affairs Department (AAD) South West Office.

The establishment of CAGs responds to the need to promote a community development approach to building stronger communities and fostering Indigenous community governance based on a culturally appropriate model. The model developed seeks to ensure representatives of all Indigenous families within a community are involved in the management and development of that community.

DIA has continued the development of the Community Action Groups (CAG) throughout the South West of Western Australia.

This year CAGs have been established in Quairading and Moora with early development activity being carried out in a number of other locations. The existing CAGs and the new Moora and Quairading CAGs have met on a number of occasions during the year with local Government agencies to address local Indigenous community issues. The CAGs are provided with extensive support from local DIA Regional Officers.

DIA in partnership with ATSIC has successfully negotiated funding of \$198,000 through the Commonwealth Strong Families and Communities Strategy, to further develop the CAG model and establish another 10 groups throughout the South West.

A Memorandum of Understanding between DIA, ATSIC and the Commonwealth Department of Family and Community Services has been developed to formalise the partnership agreement and define the scope, outcomes and implementation strategy for the CAG program.

Indigenous Family Program (IFP)

The IFP provides a culturally unique family support service to Indigenous family networks which have multiple and generational social and economic problems.

The IFP was established in partnership with a number of Government agencies and the Coalition of Aboriginal Agencies. The development of the IFP service was recognition that some Indigenous family networks require a holistic service that is different to any of the existing family support services.

A review undertaken by DIA found that positive outcomes had been achieved for a number of families that had accessed the service.

Over twenty family networks accessed the service during the year. Government agencies and family members have indicated to the reviewers that the IFP has assisted a high number of families to achieve enhanced family functionality.

DIA has commenced negotiation with State government agencies and ATSIC to ensure funding and support for the continued development of the IFP service.

The Normalisation of Services to Remote Indigenous communities

The Department of Indigenous Affairs is leading a number of strategic initiatives and policy reforms in order to improve the level of services available to discrete Indigenous communities based on standards applied to comparable mainstream communities. There has been significant progress in this area in recent years, however, the lack of access to or inappropriateness of mainstream services and programs is a major impediment to the improvement of Indigenous outcomes and the development of capacity in Indigenous communities.

In June 1995, the Chief Executive Officer Working Party on Essential Services to Aboriginal Communities (the Working Party) reported to the State Government. State Cabinet established the Working Party in response to the recommendations of the Task Force on Aboriginal Social Justice. Its task was to make recommendations to Government on measures to improve the provision and maintenance of essential services to Aboriginal communities.

The Working Party determined that the normalisation of essential services to Aboriginal communities should be a Government priority. It defined normalisation as:

“providing and maintaining essential services to Aboriginal communities in the same way as they are provided to a non-Aboriginal town or community. It does not mean the ‘normalisation’ of an Aboriginal community, but the normalisation of the delivery and maintenance of services to that community.”

Normalisation is a process that aims to deliver the citizenship rights long demanded by Aboriginal people but which is taken for granted by non-Aboriginal people. It does not mean a reduction in opportunities for Aboriginal involvement, control or enterprise development. Aboriginal organisations and joint ventures are very often best placed to deliver services to Aboriginal people. The bottom line is that those services must be provided at the required standard and represent value for money if long term benefits are to be gained.

The principle of citizenship rights is a key to the Statement of Commitment to a New and Just Relationship and it provides the framework for this policy agenda to be progressed.

Whilst there has been progress in Western Australia, there still remains legislative, financial, policy and attitudinal impediments to achieving equitable outcomes for Indigenous people.

Key strategic and policy issues include:

The Application of Public Health Standards

The continuing sub-standard living conditions in which many Aboriginal people live has a direct impact on high rates of disease, injury and premature death of Aboriginal people. It also is a significant contributing factor to the continuing disadvantaged social and economic position of Aboriginal people in Western Australia.

Initiatives that are the current focus of work are:

- The establishment of an Environmental Health Officer network in local governments funded through the Office of Aboriginal Health; and
- Health Act Reform – examining the need for modernised public health legislation that includes binding the Crown.

Construction Standards And Living Conditions

The poor standard of housing in Aboriginal communities has been caused by a lack of supervision and building inspections at the time of construction of the dwellings.

Given the inability to invoke the Health Act (1991), Local Government (Miscellaneous Provisions) Act 1960 and the Local Government Act 1995 on Crown land, WALGA and relevant State and Commonwealth Government Departments developed a 'Code of Practice for Housing and Environmental Infrastructure Development in Aboriginal Communities in Western Australia' which ensures compliance with construction standards and requisite maintenance regimes. The Code of Practice aims to address a history of deficiencies in design, planning, materials and construction associated with housing, water, power and waste disposal in Aboriginal communities.

The Code of Practice regulates the design, construction and maintenance of housing and essential service infrastructure and will be enforced through the contractual conditions of funding agencies and the requirements of the Aboriginal Lands Trust. The relevant parties including WALGA, in April 2000, endorsed the document. The compliance of all State and Commonwealth Government agencies was enshrined in the Bilateral Agreement on Essential Services signed in October 2000.

The Code of Practice is consistent with the National Framework for Design, Construction and Maintenance of Indigenous Housing which was approved for use in Western Australia in September 1999. The National Framework recommended that

building inspections should be undertaken at various stages of construction to ensure quality control, and these are usually done on a fee for service basis by local governments.

Regardless of the statutory limitations of local government in relation to binding the Crown, it is recognised in both the National Framework and the Code of Practice that local government is the appropriate body to be providing environmental health and building control services to Aboriginal communities.

It is understood that the Minister for Local Government and Regional Development is currently overseeing the development of the new Building Act. It is expected that this legislation will bind the Crown in respect to construction standards in all areas of Western Australia.

Housing and Housing Management

Housing is an urgent and important need for Indigenous people in Western Australia. The living environments of Indigenous people are well recognised as having a major impact on needs in other areas, particularly health. Indigenous housing continues to be characterised by a severe shortfall in financial resources required to meet outstanding needs.

Indigenous people in Western Australia experience significant overcrowding and is ranked second after the Northern Territory on this indicator. Over 8% of the Indigenous population in the State live in dwellings with 10 or more persons (*The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, 1999).

Despite the increased efforts of Commonwealth, State and community providers, the capacity to address the current need for more houses and support for other strategies (such as training and asset maintenance programs) is limited by funding constraints.

There has also been a shift in recent years to improve housing outcomes for Indigenous people by shifting funding priorities. Western Australia now directs a proportion of funds to providing essential 'housing-health' related infrastructure and maintaining and upgrading houses, rather than using all available resources for the construction of new houses. Also, the employment and economic benefits that result for Aboriginal people and communities cannot be overstated.

An assessment of the most recent needs data demonstrates that there is a considerable backlog of housing need among Indigenous people in WA. This need must be addressed, together with emerging housing need resulting from the growing Indigenous population. Equally important is the need to develop the capacity of the Indigenous community housing sector to manage and maintain housing effectively and efficiently. The \$2 million of outstanding water debt is symptomatic of poor housing management capabilities within town reserves communities.

The issue of staff housing (non-Government Employees Housing Authority) in Aboriginal communities is becoming an important matter. The ability to attract qualified people to remote communities in harsh environments is often contingent on

the availability of suitable accommodation. This matter is particularly acute in larger communities which function on a similar basis to mainstream towns. The Department of Housing and Works and ATSIC have initiated discussions with a view to undertaking a joint approach.

In response to a lack of maintenance of internal housing power and water infrastructure the Remote Area Essential Services Program Steering Committee and the DHW recently approved the development of a model to extend the regular service model to community housing. Again this will have resource implications that will be included in the 2003/04 budget bid by DHW.

DIA is keen to see additional funding for housing and housing management to reduce overcrowding, eliminate homelessness and provide a sustainable and viable Indigenous community housing sector.

Town Planning

DIA and ATSIC have funded the development of community layout plans for Aboriginal communities since 1995. Approximately 45 plans are currently at various stages of completion in Western Australia.

This project aims to improve the standard of planning in Aboriginal communities leading to improved coordination of service delivery, improved outcomes for residents and proper recognition of social and cultural needs. These plans have proven invaluable in improving community layouts and in improving the efficiency of capital works programs.

The Planning Policy has evolved due to the absence of a strict regulatory approach to planning and controlling development. However, in the absence of a formal framework for planning on Aboriginal communities, the Planning Policy is a necessary interim measure until legislative impediments are overcome and should be recognised as a significant step in the right direction supported by the three levels of government.

Essential Services Reform

In October 2001 the State and ATSIC signed the Agreement for the Provision of Essential Services to Indigenous Communities in Western Australia which formalises the joint approach to essential services reform adopted by ATSIC and the State Government; establishes agreed service delivery principles including agreement to coordinate future State and Commonwealth infrastructure programs; and provides a framework to progress normalisation in remote Aboriginal communities and town reserves.

Key activities include:

- The Remote Area Essential Services Program which is a key normalisation initiative that has resulted in the integration of the State's maintenance and repair program and ATSIC's capital works program leading to improved coordination and planning of essential services;

- Town Reserves Regularisation Program –which is the regularisation of essential services and municipal services at Indigenous town reserve communities. This is jointly funded by the State and ATSIC.
- The Remote and Aboriginal Community Power Supply Project which will result in the calling of tenders for power providers to generate and sell power to these communities. The gap between revenue collected at uniform tariff prices and production costs will be met as an operational subsidy to be negotiated jointly with the Commonwealth under a proposed bilateral agreement on energy. The State component of this subsidy would be a community service obligation payment directly to the service provider. Bidyadanga, Warmun and Wangkatjungku communities in the Kimberley have been selected as the pilot communities in this project which is an important milestone in the regularisation of power services to remote Indigenous communities.

Roads and Aerodromes

Inadequate funding for construction and maintenance of Aboriginal access roads and internal community roads is a major concern to Aboriginal communities as well as State and Local Governments. Lack of road funding contributes to environmental health concerns particularly arising from high dust levels and isolation of communities due to road closures when many communities are dependant on road transport for their daily needs.

Because of their remoteness, and in some cases inaccessibility by road, many remote Aboriginal communities rely on air transport for the provision of postal services, education and health services, medical and other essential supplies. The availability of safe and reliable aerodromes is also essential for emergency and medical evacuations. The provision of adequate air services to these communities, therefore, assumes critical importance. It follows that the maintenance, operation and ongoing financial support of local community airstrips is necessary for the continuance of safe, efficient and reliable air services.

A concerted effort is required by the three tiers of government to address roles and responsibilities and increase funding available for internal and access roads and aerodromes providing access to Aboriginal communities. DIA is leading this work and intends to draw it together in a Bilateral Agreement on Transport Services.

Emergency Management

Last year major flooding occurred at Kiwirrkurra, an Aboriginal locality near the border between the NT and WA in-between the North Eastern Goldfields and Kimberley region. The events that have surrounded it over the last 16 months have highlighted the issues relating to emergency management. The main issues can be summarised as:

- Remote Aboriginal communities are generally under prepared for emergency situations through a lack of resources and equipment, limited expertise, irregular pre-disaster planning and isolation from mainstream emergency response agencies.

- There is confusion regarding the respective roles of Commonwealth, State and local Government bodies in planning for and responding to emergency issues in Aboriginal communities.
- Local government, which is the nominated body through which recovery activities from disasters should be coordinated, either do not recognise Aboriginal communities as being within their sphere of responsibility or do not have sufficient resources to fulfil their obligations.
- There is no statutory framework to protect the residents of remote Aboriginal communities from inequitable access to emergency management resources.
- There is a reliance on agencies such as the DIA and ATSIC to take leading roles in responding to emergencies in Aboriginal communities when such agencies have neither the resources nor the expertise to carry out such functions.

A subcommittee chaired by DIA has been established under the auspices of the State Mitigation Committee (SMC) to examine these matters. The SMC has been established to develop a State Mitigation Framework that takes into account Indigenous needs.

It is also understood that a proposed Emergency Management Act has been drafted and DIA supports the introduction of legislation to provide a statutory framework to clarify many of these issues. It is uncertain whether the proposed legislation will mandate the responsibilities of local government.

Remote Policing

Law and order is a pressing priority for the residents of many remote communities. A number of communities have for many years sought a permanent policing presence in order to promote a foundation of safety, security and social stability for future community development. The achievement of sustainable outcomes in areas of health, education and economic development are dependent upon such a foundation. Yet, despite the horrific incidences of violence, property damage, sexual assault and drug abuse in many WA Indigenous communities, few communities have a permanent police presence and none have a permanently staffed police station.

The introduction of back-to-back patrols in the Balgo-Wirramanu community in the East Kimberley demonstrated that the occurrence of crime and anti-social behaviour could be rapidly reduced by half, when police officers are present on a full time basis. Yet many communities are dependent on community wardens or access to Aboriginal Police Liaison Officers (APLOs) to maintain law and order.

Aboriginal Remote Community Wardens often do a tremendous job under enormous difficulties but have limited training, limited external support given the distance from uniformed police and have limited powers to deal with the issues with which they are confronted. Wardens provide an important mechanism for community empowerment and can provide an important supplementary service to Police. However, they should not be seen as a substitute for fully trained and equipped police officers and for a system of law and order that equates with that provided to the rest of the population.

In some areas where an APLO has been allocated to a community it has been on the proviso that the community provide a house and other costs. This same expectation is not required of non-Indigenous communities and is a responsibility that Indigenous communities should not have to carry so that they can have a police presence in their community. This is particularly the case as communities experience high degrees of overcrowding and poor living conditions and should not have to utilise their own resources to attract mainstream services which other citizens ordinarily enjoy.

DIA is keen to ensure that the policing response to issues in remote communities is based on equitable access to mainstream policing resources.

Local Government Services

The issue of local government service delivery to Aboriginal communities has been a contentious one for many years, however, efforts in recent years have increased to develop strategies to address the legislative, financial, policy, and attitudinal impediments that have prevented a better relationship between local government and Indigenous communities.

State and Commonwealth Governments criticise local governments for an inequitable distribution of resources, despite receiving funding from the Local Government Grants Commission which recognises Aboriginal population and disability factors. On the other hand, local government argues that these funds form part of its general revenue, which is not sufficient to provide services to discrete Aboriginal communities. The lack of rate revenue from Aboriginal communities is also raised as a significant contributing factor and is often seen as a major impediment to the resolution of this issue.

It is recognised that local governments are well placed to effectively implement and deliver environmental health programs to and provide planning and building controls in Aboriginal communities. However, legislative and policy obstacles limiting the level and nature of services provided to Aboriginal communities by local governments include:

- the non-rateability of land due to exemptions under the Local Government Act 1995 through either land tenure status or due to communities being able to seek exemptions through the demonstration of charitable status;
- the 'private' nature of Aboriginal communities as Crown reserves for the Use and Benefit of Aboriginal People;
- the Crown not being bound by relevant parts of the Health Act 1911, thus limiting the powers of local authorities to enforce health provisions in Aboriginal communities [Which for the most part are located on Crown reserve land under the care, control and management of the Aboriginal Lands Trust (ALT), a body which my Department serves]; and
- areas in which many Aboriginal communities are located being exempt from building controls and the application of the Building Code of Australia.

Added to this are political obstacles such as:

- the polarised views of the parties, with one group seeing themselves as invisible clients while the other sees a duplication of service;
- a past history of inadequate resources for servicing remote areas;
- the perceived availability, by Town-based or Non-Indigenous Councillors, of services and facilities for remote residents within town centres;
- a history of Federal and State agencies circumventing local government approvals and involvement; and
- the current substandard nature of infrastructure which many local governments are reluctant to take onto their books as assets.

The inability to invoke the Health Act (1991), Local Government (Miscellaneous Provisions) Act 1960 and the Local Government Act 1995 on Crown land has meant that many local governments have been reluctant to be involved in service provision to Aboriginal communities. The non-payment of rates has certainly contributed to ill feeling between local governments and Aboriginal communities. Currently many Aboriginal communities are exempt from rates as they are located on land that is not rateable or they may be rate exempt because they can demonstrate charitable status. Either way, the lack of financial contribution by Aboriginal localities towards services they believe they are entitled to, and the lack of this revenue by low rate-base local governments is a major impasse, a real barrier to greater local government service provision to Aboriginal communities. In this equation it needs to be recognised that many Aboriginal communities have a limited capacity to pay rates even if they were legislatively required to do so.

However, while the legislative impediments to local government service provision have been recognised, the fact remains that under all financial assistance from the Commonwealth to local government comes the understanding that services should be provided to all residents equitably, a position recently confirmed by the Commonwealth Grants Commission's Indigenous Funding Inquiry.

WALGA, Commonwealth and State agencies, ATSIC, and individual local governments and Indigenous communities have all been involved in a number of specific initiatives to improve access by Aboriginal communities to services delivered by local governments. One of these is the establishment of a new Principal Policy Officer to work in this area within the Department of Local Government and Regional Development or DLGRD. A Memorandum of Understanding between the parties will govern the role and management of this position and outcomes expected from its role. This role, to be known as the DLGRD Indigenous Communities Development Officer will work with local governments and Indigenous communities to address the obstacles outlined above.

This position will also work within DLGRD to promote the reporting on services provided to Aboriginal communities in their Principal Activity Plans and Annual Reports.

DIA have worked hard to increase support for environmental health officers and Aboriginal environmental health workers by the Department of Health. They have also provided direct support to local governments with EHOs under this program such as:

- the Shire of Wyndham East Kimberley;
- the Shire of Halls Creek;
- the Shire of Derby West Kimberley;
- the Town of Port Hedland;
- the Shire of Broome; and
- the City of Kalgoorlie Boulder.

Further to this, the Aboriginal community of Jigalong within the Shire of East Pilbara and the Shire of Ashburton in the West Pilbara has been able to secure funding and are currently recruiting for these roles.

DIA will continue to support a range of other activities to build better outcomes for Indigenous people and their relationship with their local governments. These have included:

- Improved planning and building controls;
- Promoting increased Aboriginal involvement in local government as voters and candidates;
- The negotiation of individual service agreements, such as those within the Shire of Broome (on the Dampier Peninsula), the Local Government Development Program at Looma and Mowanjum in the Shire of Derby-West Kimberley; and the Aboriginal Community Strategic Investment Program at Jigalong in the Shire of East Pilbara.

Further new developments in this area include a new strategic partnership between DIA, the City of Kalgoorlie-Boulder and ATSIC in response to social issues in the City of Kalgoorlie-Boulder. This has led to a mapping and gap analysis of programs and services to Indigenous people and which will pave the way for a Framework Agreement including:

- Commonwealth, State and local government roles and responsibilities;
- Key action areas;
- Benchmarks and outcomes, and
- Review and evaluation.

The Statement of Commitment to a New and Just Relationship that was signed by the State and ATSIC on behalf of Indigenous Western Australians provides an excellent framework for this work to take place.

In summary, the normalisation of services to remote Indigenous communities is a highly important foundation to achieving sustainable social, cultural and economic outcomes in Indigenous affairs.

Comprehensive Recruitment for Remote Communities

Attracting quality staff, retaining them and managing them once they are employed has presented an on-going problem for remote Aboriginal communities.

DIA is leading an interagency group (ATSIC, The Department of Housing and Works (DHW), the Office of Aboriginal and Economic Development (OAED) and

the Department of Local Government and Regional Development (DLGRD)) that is currently facilitating the establishment of a comprehensive recruitment and workplace relations service for remote Aboriginal communities and government programs or agencies that support the recruitment of staff into remote/discreet Indigenous Communities

The service would provide the following:

- Recruitment;
- Induction Training;
- Relief Staff;
- Workplace relations (advisory, advocacy and training);
- Negotiation of a presence in each of the regions through relationships with appropriate resource/brokering agencies.

Failure in this area has impacted negatively on the management and administration of these communities in terms of:

- Achieving the goals of community plans, CDEP work objectives, and financial problems including business unit collapse, and poor life of assets houses and plant;
- Access to services on an equitable basis to other West Australians;
- 'Real' gains being made in an Aboriginal organisations capacity to manage its community and achieving the aims of self-determination.

These problems have been recurring themes through the implementation of many government programs and through the personal experience of Aboriginal and non-Aboriginal people. Challenges in recruitment, staffing and workplace relations management as well as broader factors such as salary levels and poor housing impinge on this.

In the Kimberley a feasibility study was commissioned and funded by the Department of Health and Aged Care, Department of Family and Community Services, Aboriginal Affairs Department, Department of Family and Children's Services, Kimberley Development Commission and the WA Department of Employment and Training. The key recommendation in the final report was to set up an organisation based on a brokerage model providing support to the staff and committees of all community-based organisations in the Kimberley.

The proposed Kimberley Community Management Service is now operational, in its primary stage, and will act as a broker to the proposed Recruitment & Workplace Relations Service.

In addition DIA is coordinating the delivery of training in Governance, identifying gaps and overlaps with the stakeholder groups and managing effective use of resources. This directly relates to building the capacity of Indigenous Communities to better manage and influence decision making that affects their lives.

Indigenous Leadership Development

DIA has prioritised its commitment to leadership development in its commitment to building the capacity of communities to build effective governance.

In 2001/2002, part of its commitment, the Department partnered with the WA Centre for Leadership and Community Development to conduct a consultation and planning process with key Indigenous Community Leaders across WA to develop an Indigenous view and seven recommendations on leadership development.¹²

This perspective and recommendations were provided to the Department of Local Government and Regional Development's WA Leadership Plan workshop, which invited the community, government and corporate sector to inform the development of the WA Leadership Plan.

DIA, with ATSIC, and the Australian Indigenous Leadership Centre's representative, Mr Joe Ross, delivered the recommendations and perspective at the Leadership Plan workshop as a link to the National Reconciliation agenda and the WA Government's Statement of Commitment to a New and Just Relationship.

The active participation of Indigenous people in decision-making was a vital part of this work. In addition youth were recognised as a primary focus for the development of Indigenous leadership.

The ATSIC Youth Advisory Council involved its members in the development of the paper and attended the WA Leadership Plan workshop.

Indigenous Agricultural Business Development

DIA assisted in the development of partnership relationships between stakeholders who work towards the development of businesses on Indigenous held and owned lands.

The Department facilitated an agreement to pilot projects in the Pilbara and Gascoyne Murchison where training will be provided to support improved land management and business development at no cost to Indigenous people.

These projects were identified via a process of negotiation with ATSIC, DIA, the Indigenous Land Corporation (ILC) and other local/regional stakeholders.

This opportunity has been made available as a result of an agreement, facilitated by DIA between the Indigenous Land Corporation and the WA Department of Agriculture's FarmBis Program. FarmBis will make available 75% of funds required to deliver training with the ILC providing the remaining 25%.

Commission of Elders (COE)

In its capacity building work DIA has maintained support (financial and executive) for the COE as a representative group of senior members of the Indigenous community in WA. The COE was established in 1994 as a recommendation of the Task Force on Aboriginal Social Justice, to provide advice on general directions in policy and planning for Government.

Many Government agencies use the COE network as a link to the community for information sharing and gathering. The COE groups use the meetings/forums to exchange information with local Members of Parliament, Government Ministers and representatives of Local Government.

¹² *Indigenous Leadership Development in Western Australia*. April 2002. See attachment 3.

The network is comprised of 7 Regional Commission of Elders (RCOE) and a State Commission of Elders Council that is comprised of RCOE representatives.

Indigenous Community Patrols

DIA has provided funds for Patrols since 1995 with budget allocation and the number of Patrols growing steadily since that time. Patrols are considered by the community to provide an appropriate response to a range of social problems experienced by the Aboriginal community. The growth of the Patrol program has been a result of responding to community demand.

The role of the individual Patrols is determined by the community and primarily concerned with addressing the problem of alcohol and other substance abuse. The Patrols provide an effective means for the diversion of Aboriginal people from the criminal justice system. Patrols work closely with local agencies and service providers and are often involved in associated activities such as truancy prevention and family support.

State Sustainability Strategy

DIA has been involved in a number of meetings with the Sustainability Policy Unit and other Indigenous relevant contributors to date and supports the intention to include perspectives of Indigenous groups to question how we can achieve and simultaneously address the needs and rights of Aboriginal peoples in Western Australia.

The Sustainability of Indigenous Communities is fundamentally dependent on two factors:

- The first is that Indigenous Communities undertake to identify appropriate governance structures. These bodies will be ultimately responsible for development of the community and all of the process through which this will occur. If these bodies have credibility within the Indigenous Community, and are able to deal with the environment within which those communities operate, there will be resilience and cohesion necessary to implement changes for a preferred future.
- The other factor is that the whole of Government undertakes to develop appropriate processes to work with Indigenous Communities. If this is undertaken in a way that respects the history, values and uniqueness of Indigenous Communities then the service required by the Indigenous Communities will deliver outcomes in line with those experienced by non-Indigenous Western Australians.

As a broad response DIA supports that the Draft is comprehensive in its intention to develop Regional Sustainability Strategies, in conjunction with Indigenous people and stakeholders. It questions the process of implementation in terms of whether the identified mainstream Regional Sustainability Strategies will be developed inclusive of Indigenous people or if in fact the Indigenous Regional Sustainability Agreements will be developed as a separate and exclusive process which has the potential to marginalise Aboriginal people from mainstream process and outcomes.

DIA strongly advocates for an inclusive process on the basis of the Statement of Commitment to the New and Just relationship and the value of the Indigenous

perspective on Sustainability. Indigenous concepts of territory, property and tenure, resource management and ecological knowledge may differ greatly from those of mainstream Australia but they are no less entitled to respect.

Such a community participatory approach is more likely to deliver sustainable outcomes in terms of agreed goals and decisions. If undertaken at the broader regional level, actions and decisions are more likely to be supported by government agencies, the private sector and communities.

6. INTERGOVERNMENTAL FRAMEWORK FOR CAPACITY BUILDING

The July 2001 Report of the WA Machinery of Government Taskforce described the objective of the Indigenous Affairs portfolio in WA as:

"Closing the gap between the social and economic well-being of Indigenous and non-Indigenous people through strategic whole-of-government management of Indigenous Affairs at all levels."

Under the previous government the AACC (now Indigenous Affairs Advisory Committee - IAAC) was required under the Aboriginal Affairs Planning Authority Act 1972 to

"... coordinate effectively the activities of all persons and bodies, corporate or otherwise, providing or proposing to provide services and assistance in relation to people of Aboriginal descent".

The IAAC has now endorsed major goals relating to the achievement of social, economic and environmental health outcomes for Aboriginal people in this State. These included:

- Local and regional approaches;
- Improved Indigenous governance;
- More effective government coordination;
- Partnerships between Indigenous communities, government and the business sector;
- The development of agreed benchmarks and indicators on Indigenous disadvantage.
- Agreed areas for action

The Council of Australian Government (COAG) has committed to three priority areas for Indigenous Development:

- Investing in *community leadership* initiatives;
- *Reviewing and re-engineering programs and services* to ensure they deliver practical measures that support families, children and young people. In particular, governments agreed to look at measures for tackling family violence, drug and alcohol dependency and other symptoms of community dysfunction;
- Forging greater links between the business sector and indigenous communities to help promote *economic independence*.

In June 2002 the Commonwealth Minister for Indigenous Affairs, the Hon Phillip Ruddock, the State Minister for Indigenous Affairs, the Hon Allan Carpenter and the WA ATSIC State Council agreed to support the changes needed to enable government agencies to work together and to work in partnership with Aboriginal communities.

The collaborative approach will draw on headline and strategic change indicators being developed by the Ministerial Council on Aboriginal and Torres Strait Islander Affairs through the development of joint strategies around key areas for action including.

It was agreed to develop strategies around seven key areas for action:

- Child development and growth;
- Early school engagement;
- Building on the strength of Indigenous community and culture;
- Breaking the cycle of alcohol and substance abuse;
- Functional and resilient families and communities;
- Functional community infrastructure;
- Family violence and personal safety.

The parties agree that the task is challenging and will require capacity building to enable Indigenous people to participate on an equal basis as well as changing government practices in working with Indigenous communities.

Statement of Commitment

In Western Australia 2001 saw the State Government make an historic formal commitment to build a new and just relationship with the Aboriginal people of Western Australia.

The Statement of Commitment signed by Premier Geoff Gallop and chairperson of ATSIC State Council Ian Trust laid the foundation for a new partnership between Government and Indigenous community and is an important step in the reconciliation process.

It upholds Indigenous people's right to equity and recognises their continuing rights and responsibilities as the first people of WA, including traditional ownership and cultural connection to land and waters.

At the same time the Indigenous Affairs Advisory Committee (IAAC) was established to make better use of resources, identify priorities and work with all agencies to implement the Statement of Commitment. IAAC is chaired by the Minister for Indigenous Affairs Alan Carpenter and includes the heads of State Government agencies, Commonwealth and local government representatives and Indigenous representatives

The Statement of Commitment sets out a partnership framework based on decentralising decision making by developing regional and local agreements. The partnership framework aims to enhance negotiated outcomes that protect and respect

the inherent rights of Aboriginal people and to significantly improve the health, education, living standards, and wealth of Aboriginal people.

In achieving these objectives the parties are committed to the following principles:

- Recognition of the continuing rights and responsibilities of Aboriginal people as the first peoples of Western Australia, including traditional ownership and connection to land and waters;
- Legislative protection of Aboriginal rights;
- Equity with respect to citizenship entitlements;
- Regional and local approaches to address issues that impact on Aboriginal communities, families and individuals;
- A commitment to democratic processes and structures;
- Inclusiveness;
- The need to address issues arising from past acts of displacement;
- A commitment to improved governance, capacity building and economic independence.

This approach directly endorses the DIA view that requires government build its capacity to engage in a meaningful way with Indigenous Western Australians in decision-making that will affect their lives. Additionally it advocates the re-direction of resources into building the capacity of communities to manage their own affairs.

7. GLOBAL CONSIDERATIONS

Agenda 21 calls for global commitment and authentic involvement of all social groups in sustainable development.

*"In view of the interrelationship between the natural environment and its sustainable development and the cultural, social, economic and physical well-being of indigenous people, national and international efforts to implement environmentally sound and sustainable development should recognize, accommodate, promote and strengthen the role of indigenous people and their communities."*¹³

"In full partnership with Indigenous people and their communities, Governments and, where appropriate, intergovernmental organisations should aim at fulfilling the following objectives:

- Establishment of a process to empower indigenous people and their communities through measures that include:
 - Adoption or strengthening of appropriate policies and/or legal instruments at the national level;
 - Recognition that the lands of indigenous people and their communities should be protected from activities that are environmentally unsound

¹³ Agenda 21, Chapter 26, para 1

or that the indigenous people concerned consider to be socially and culturally inappropriate;

- Recognition of their values, traditional knowledge and resource management practices with a view to promoting environmentally sound and sustainable development;
 - Recognition that traditional and direct dependence on renewable resources and ecosystems, including sustainable harvesting, continues to be essential to the cultural, economic and physical well-being of indigenous people and their communities;
 - Development and strengthening of national dispute-resolution arrangements in relation to settlement of land and resource-management concerns;
 - Support for alternative environmentally sound means of production to ensure a range of choices on how to improve their quality of life so that they effectively participate in sustainable development;
 - Enhancement of capacity-building for indigenous communities, based on the adaptation and exchange of traditional experience, knowledge and resource-management practices, to ensure their sustainable development.
- Establishment, where appropriate, of arrangements to strengthen the active participation of indigenous people and their communities in the national formulation of policies, laws and programs relating to resource management and other development processes that may affect them, and their initiation of proposals for such policies and programs;
 - Involvement of indigenous people and their communities at the national and local levels in resource management and conservation strategies and other relevant programs established to support and review sustainable development strategies, such as those suggested in other program areas of Agenda 21.”

Whilst the Draft Declaration of Indigenous Peoples Rights has not been agreed on the intention is to have agreement by 2004. This is an important commitment to consider in the future and current development of national and state policy and decision-making process for Sustainable Indigenous Development.

Attachment 1.

Our ref: idms/open/bmc/narureport

*REVISITING THE OLD IN
REVITALISING THE NEW*

*CAPACITY BUILDING IN
WESTERN AUSTRALIA'S
ABORIGINAL COMMUNITIES:
A Discussion with Case Studies*

— FINAL REPORT —

Prepared by

ROLF GERRITSEN, JACK CROSBY &
CHRISTINE FLETCHER



June 2000

BUILDING CAPACITY THROUGH
IMPROVED MANAGEMENT AND ADMINISTRATION
OF ABORIGINAL COMMUNITIES

— FINAL REPORT —

prepared for

Aboriginal Affairs Department
Western Australian Government

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EXECUTIVE SUMMARY

This Report is presented in four sections together with two appendices.

SECTION 1: INTRODUCTION

The brief introductory section includes an outline of the policy context and purpose of the Aboriginal Affairs Department (AAD) Capacity Building Project, which led to this Report, the process we undertook to deliver the Report, and the methodologies we applied in its compilation.

The project is a follow-up exercise consequent both upon the 1997 survey conducted by the Environmental Health Needs Coordinating Committee (EHNCC) and various other public policy initiatives including the recent landmark Commonwealth-State Agreement on the Provision of Essential Services (as outlined in section 1.3).

Our methodologies are relatively orthodox, except for four elements:

- We defined capacity-building in a broad holistic sense – as including the totality of Aboriginal communities' social and political organisation, as being reflected in the degree of social disruption on the community; and, as being affected by the degree of social disadvantage suffered by Aboriginal communities;
- We included more historical and descriptive material in the community case studies than would be usual in this type of report;
- Our predictable recommendations about coordination, training, and community development were made not from the usual rational management perspective but from the viewpoint of their impact on Aboriginal community capacity; and,
- We explicitly included somewhat controversial comments about Aboriginal community politics (see also Appendix B) and how this impacts upon these communities' reactions to the management of service delivery.

SECTION 2: THE SCOPE OF THE PROBLEM

Section 2 includes the bulk of the purely analytical material. Firstly, we define capacity building from a community-based perspective (ie the capacity of the community to cope with the inevitable demands of its interactions with the wider world of government). In the second part of this section we also make some observations about the assumptions underlying particular interpretations of Aboriginal community politics. Some of this discussion was seen as overly recondite by some of the participants in the project workshop in May. Nevertheless, after due consideration, we have summarised this in *sub-section 2.2* within the body of the Report as well as enlarging upon it in Appendix B. We consider that understanding the role of internal Aboriginal community politics is central to the issue of building management capacity within these communities.

The third part of section 2 discusses the differential fiscal resources available to these communities; this issue provides special problems, as the relevant information is almost impossible to obtain. The fourth part of this section looks at the issues surrounding Aboriginal communities and Local government. Here we make some recommendations that are essentially strengthening Cabinet-directed approaches already put into place by the Western Australia Department of Local Government.

The final sub-section makes some observations about the place of training in capacity building. The means now exist, for example in the form of the National Skills Development Strategy for Indigenous Community Housing Management and through utilisation of the Aboriginal and Torres Strait Islander Commissions (ATSIC) proposed *Board Members of Aboriginal and Torres Strait Islander Organisations Training Package*, to provide training appropriate to the recommendations of this Report. And the impending Commonwealth-ATSIC-WA government *Agreement for the Provision of Essential Services to Aboriginal Communities in Western Australia* promises the political will to realise these means.

SECTION 3: OBSERVATIONS DERIVED FROM THE CASE STUDIES

Section 3 sums up our observations about the implications of the information and data gathered by the fieldwork visits and the literature review. This section contains the bulk of the material in this Report, as many of the recommendations here advanced derive from our discussions and analyses in this section.

We analyse the material under six headings: patterns of resource allocation; medium term issues requiring redirected outputs; benchmarks of best practice in local capacity; community-based issues of capacity management; externally derived issues of capacity-building; and, long term issues that may require legislative or policy change. Most of our recommendations derive from this section, so it is the centre point of this Report.

- ***Patterns of resource allocation*** (3.1). Here our principal observations were that the definition of the 'normalisation' of community infrastructure needs to be standardised and that the usage of Community Development Employment Program (CDEP) workers as local managers of agency programs needs to be reevaluated.
- ***Medium term issues requiring redirected outputs*** (3.2). Here we looked at the requirement for mentoring Aboriginal community capacity, the regionalisation of service agencies and two sets of issues to do with agency coordination.
- ***Benchmarks of best practice in local capacity*** (3.3). As shown in our recommendations we considered three major benchmarks: governance, organisational structure and effectiveness (our fused versus decentralised models). Observations elsewhere about holistic community capacity are relevant to the recommendations arising from this element of our Report.

- *Community-based issues of capacity management (3.4)*. This sub-section briefly defines the program design issues that affect Aboriginal community capacity. Organisational structure issues; outstations; governance; community planning; the role of executive and operational management; as well as the issue of cultural awareness are the subject matter of this sub-section.
- *Externally derived issues of capacity building (3.5)*. In this sub-section we concentrated upon consultation and community education and training issues.
- *Longer term issues that may require legislative or policy change (3.6)*. Here we advocate a community development approach to capacity-building; note the uncertainties associated with land issues; and, discuss the communities' relationship with Local government.

SECTION 4: CONCLUSIONS

The concluding section provides a proposal for a pilot scheme to implement some of the approaches we have advocated in this Report. This proposal is necessarily tentative because neither one agency, nor even one level of government controls all the aspects of the subject matter we have covered here. The section finishes with a brief reiteration of the main points of our study. It again stresses the original aspects of this Report. These aspects we consider to be intrinsic to honest and holistic approaches to building the total management capacity of Aboriginal communities.

APPENDIX A: THE CASE STUDIES

This appendix comprises the three case studies for which fieldwork was conducted over the period February–April. All of these communities face formidable social and economic disadvantages, to say nothing of the difficulties of their management. These case studies are fairly discursive and not entirely systematic. The project budget and timeframes limited our stay in each community; so we sought to obtain the essential 'picture' of each place as it was presented to us by each community. Each case study is intended to illuminate some aspect of the subject community that is crucial to its management style and capacities. Many of our conclusions in the body of the Report were drawn from the fieldwork observations during this phase of the project.

APPENDIX B: THE STRUCTURE AND INFLUENCE OF LOCAL POLITICS

This section is a brief discussion of two models of Aboriginal political behaviour. We developed this analysis because we feel that an explicit rendering of local politics is required. This consultancy is about capacity building in Aboriginal communities. And their politics is intrinsic to how Aboriginal communities manage themselves, as well as their interactions with the wider world. In the daily world of the program manager the politics of the client group is an ever-present reality. But in the area of program design it is usually overlooked. In proposing any capacity building measures for any Aboriginal community, the state of its local polity is of overriding importance.

RECOMMENDATIONS

These recommendations relate to the most pressing matters we discovered during this project. Agencies represented upon the Aboriginal Affairs Coordinating Committee (AACC) may find other points in areas central to their concerns. Within the text there are many minor recommendations and suggestions. Some of the subject matter or particular recommendations is repeated, deliberately reflecting the different contexts within which these issues arose.

We have presented our preliminary recommendations under five headings. This is primarily to address the issues as they arose in the Terms of Reference to this consultancy.

1. PATTERNS OF RESOURCE ALLOCATION

Here we make one major and several minor recommendations:

1.1. TREASURY FINANCIAL MANAGEMENT PROCEDURES

This is a major issue in terms of its disruption of the necessarily time consuming process of capacity building in Aboriginal issues. We recommend that the appropriate regulatory changes be made by State Treasury to allow an exception to the usual end-of-financial year program funding reconciliation to be made for programs delivering services specifically to Aboriginal communities. Agencies delivering such programs should be allowed to hold funds over in order to facilitate proper community consultation, which is intrinsic to community capacity building (see *sub-section 2.3*).

1.2. COMMUNITY DEVELOPMENT EMPLOYMENT PROJECTS

We recommend that agencies do not use CDEP workers to represent them at the community level unless these workers are being trained to become agency staff officers. The practice of using CDEP workers as local agents on a permanent basis (usually as a cost saving measure) is inimical to community capacity building (see *sub-section 3.1*) in the longer term.

1.3. EDUCATION AND TRAINING

We have recommended a major education and training program for Aboriginal communities (*sub-section 3.5*). This has substantial resource implications and, if it accepted our recommendation, the AACC would have to consider preparing a submission to the State Cabinet to secure the appropriate resources.

1.4. FINANCIAL ASSISTANCE GRANTS (FAGs) ENTITLEMENTS

There needs to be more transparent data available to allow the degree to which Aboriginal communities generate the Shires' FAGs entitlements and the expenditure patterns flowing from this allocation of grants.

1.5. OUTSTATIONS

There needs to be some further agreement at intergovernmental level and between agencies within the WA government as to the principles for the establishment of outstations and the level of resourcing they should attract. Such an arrangement is a logical extension of the recent Commonwealth-ATSIC-WA government Agreement with regard to essential services.

1.6. PROGRAM FUNDING

We recommend that in future program funding comprises an element for the local management and coordination of such programs (*see sub-section 4.1*) as well as training for local decision-makers and staff managers (*sub-section 2.5*).

1.7. TRAINING

The AACC should investigate a process whereby there can be implemented a systematic and long-term process to provide community executive management training for Aboriginal people from remote communities.

2. MEDIUM TERM ISSUES REQUIRING NEW AGENCY INPUTS OR REDIRECTED OUTPUTS

2.1 PILOT IMPLEMENTATION PROJECT

We propose that a pilot project be established for the Wirrimanu community to test the implementation of some of the approaches we advocate in this Report (*ref. sub-section 4.1*).

2.2. ASSOCIATIONS ACT

The AACC should consider requesting amendment to this instrument, to allow the nomination of governing board members from recognised groups within the Aboriginal community. The process of individual election often contradicts the values of social organisation and cohesion upon which Aboriginal communities place great emphasis (*see sub-section 3.4*).

2.3. COORDINATION

The AACC needs to establish protocols and an administrative instrument, such as AAD's Local Advisory Councils (LACs), requiring agencies delivering services to Aboriginal communities to better coordinate with other service delivery agencies. These administrative measures should make coordination

with other agencies part of each service delivery officer's duty statement. We observe that suitable interagency coordinating committees or even informal cooperation between officers may achieve successful coordination. However, in the longer term successful coordination requires an identified and authoritative lead agency, which would provide consistent guidance and support to other service delivery agents and provide coordination at both local community and regional levels. We return to this point in discussion of the longer-term issues of community management.

2.4. CULTURAL AWARENESS TRAINING

The AACC should secure a commitment from agencies delivering services to Aboriginal communities that all staff involved in design and implementation of programs receive or have undertaken cultural awareness training.

2.5. INFORMATION RESOURCES

The AACC should consider developing an Aboriginal community version of the Department of Commerce & Trade's *CommunityWise* Toolkit to assist in capacity building in those communities (*sub-section 1.3*). This action assumes that there will be a lead 'community development' agency in dealings with Aboriginal communities.

2.6. LOCAL GOVERNMENT

The AACC needs to address the troubled relationship between Aboriginal communities and Local government.

2.7. STAFF RECRUITMENT

The AACC should investigate some procedures to manage the competence of staff recruited to the management of Aboriginal community organisations

2.8. TRAINING

The study identified a specific need for on-going training for elected members (executive/policy management) of incorporated boards and other authorities on Aboriginal communities. By training we also have in mind whole-of-community training. In general, training in community capacity building should incorporate vocational training for employment as well as more general community development approaches. Such training will be most effective if most of it is held within the community (*sub-sections 2.5 & 3.5*).

Currently the Department of Employment, Workplace Relations & Small Business (DEWRSB) has in place an Indigenous Employment Policy (IEP), which offers limited programs that may support elements of capacity building. We consider that the training and capacity building on offer both from the Commonwealth Office of the Registrar of Associations and the Western Australia's Department of Commerce and Trade are at present too narrowly focused to provide these training packages, at least without substantial

restructuring to make them more broadly applicable to Aboriginal communities' total social as well as organisational management needs.

The AACC should form a sub-committee to commission a proposal as to the content, manner and funding for an initiative aimed at developing management capacity at the Aboriginal community level. The content of this proposal should incorporate the different management capacity levels of each participant community.

3. BENCHMARKS FOR GOOD COMMUNITY CAPACITY STANDARDS

We advanced three benchmarks here that we believe should be monitored – governance, maintenance of infrastructure and indicators of social cohesion (*subsection 3.3*). Though it is outside the ambit of this Report, we also advance some suggestions for benchmarking service delivery by governmental agencies. It is our opinion that both aspects of this performance monitoring are of equal importance to Aboriginal communities.

3.1. GOVERNANCE

We defined this to include not just the values and processes of community management but also the organisational structures within which the community was managed.

The processes of inclusion used by Jigalong Community Inc – what they describe as the Council of Elders and frequent community meetings – appears to approach best practice in the area of community governance. The tight elite and managerial organisational networks within the Ngaanyatjarra community appear to be similarly successful, in particular in the explicit inclusion of counter-elites. Each community should be encouraged to develop whatever mechanism of inclusion and internal consultation best suits the local community.

With regard to organisational structure, we noted that fusing functions into one over-arching community organisation possibly yielded an effectiveness dividend. We expressed some reservations about this form in terms of minority access to governance structures. More decentralised structures seemed more appropriate when a community was struggling, for whatever reason, to achieve acceptable capacity in 'government management'. It appears that we need to accept that different structures are appropriate to different stages of each Aboriginal community's development. Acceptance of this point involves some revision of the tendency of agency administrators to apply uniform procedures to communities. Particular attention needs to be paid to designing representative structures appropriate to each community.

We see a clear advantage, in terms of building community capacity, in expanding the awareness of communities by enhancing their involvement in regional organisations of various types. These can be such as ATSIC regional

councils, State development commissions, local government, as well as non-government and commercial agencies.

3.2 MAINTENANCE OF INFRASTRUCTURE

In consultation with each Aboriginal community each relevant service delivery agency should develop some benchmarks for the community's maintenance of physical infrastructure. Consultation with the community is essential because of the different values that may be brought to this exercise. For example, Aboriginal communities might not value a freshly painted health post building as much as the actual activity that occurs within that center.

3.3 INDICATORS OF SOCIAL COHESION

In Aboriginal communities drunkenness is sometimes a form of protest against economic, social or political exclusion. Similarly some crimes against property – in particular vandalism by youths – are also a form of protest against such exclusion. Violence, especially against women, may reveal profound internal social conflicts. Poor infant health (relative to other Aboriginal communities) may indicate inappropriate or unfair social distribution of money or social goods such as housing in a community. Some system of social cohesion benchmarks – eg featuring measures of health, criminality, substance abuse, etc – would be one way of tracking the social and political 'health' of each Aboriginal community. In part these would measure the community's capacity in self-management. Again the AACCC is an appropriate body to oversee or sponsor an agency in developing such a system of measures.

Finally, notwithstanding that this project focuses upon capacity *within* Aboriginal communities, it is necessary that a transparent system of service delivery benchmarks be developed for government agencies. This would involve measures such as

- the regularity and reliability of service delivery;
- the existence of appropriate service agreements with the client communities;
- the effectiveness of intergovernmental agency coordination; and,
- the inclusion within program funding of a community management capacity component.

Again, in the absence of a dedicated community development agency, the Aboriginal Affairs Coordinating Committee is the currently appropriate body to develop such a system of benchmarks.

4. COMMUNITY-BASED ISSUES OF CAPACITY BUILDING

4.1. ABORIGINAL COMMUNITIES STRATEGIC INVESTMENT PROGRAM (ACSIP)

We recommend that the pilot program in Jigalong be continued and applied to other Aboriginal communities. The ACSIP is an honest attempt at a holistic infrastructure program that has much merit and contributes to community capacity building. The definition of when a community is 'normalised' (ie its infrastructure is brought up to an acceptable standard) needs to be rendered explicit.

4.2. PLANNING

The AACC needs to consider mandating that agencies be required to include formal and comprehensive community consultations in their planning processes (*sub-section 3.4*).

4.3. MENTORING

A system whereby the appropriate agencies mentor the policy and administrative executives of Aboriginal communities needs to be established. This could be included in the current program delivery (such as what happens with ACSIP) or be provided on a fee-for-service basis by appropriate providers (*sub-section 3.2*). This proposal is subsumed within the issue of the need for a holistic community development agency.

4.4. TRAINING

The AACC should consider how to develop a centrally coordinated training process (perhaps conducted by Western Australian Department of Training (WADOT) to develop management and policy-making capacity on Aboriginal communities. The funding for this training program could be supplied from a management element in every program's funding (*sub-section 3.5*).

5. LONG TERM ISSUES

5.1. COMMUNITY DEVELOPMENT

The AACC should recommend a legislative or organisational change in organisational structure or function that would secure a single agency being ultimately accountable for Aboriginal community development (*sub-section 3.4*).

This agency could then apply proper community development principles to capacity building for the total internal management of Aboriginal communities. This issue also relates to our argument that Aboriginal communities should be made a special case with regard to program funding procedures.

The existence of such an agency would substantially address the failures of coordination that we frequently note in this Report. We also recommend that

AAD develop a central process for the recruitment of appropriate staff for Aboriginal communities (*sub-section 3.5*).

5.2. COMMONWEALTH REGISTRAR OF ASSOCIATIONS

We reject the possibility that the Office of the Registrar of Aboriginal Associations could have its role expanded to provide an active, rather than a regulatory, role in capacity building in Aboriginal communities. There are financial and legislative impediments to any expansion of the role of this Office. In addition the Office has little current capacity to conduct other than its primary financial accountability role.

5.3. PROGRAM FUNDING AND OPERATION

The AACC should consider a process whereby community capacity-building training and coordination components are included in program budgets and operation.

5.4. LOCAL GOVERNMENT

The AACC should support the Local Government Department's endeavours to develop mechanisms for:

- the formal incorporation of Aboriginal communities into existing Local government structures;
- the development of improved transparency and accountability mechanisms for Local government outlays on their constituent Aboriginal communities; and,
- the development of formal mechanisms for Local government service delivery to Aboriginal communities (see *sub-sections 2.4 & 3.6*).

1.0 INTRODUCTION: THE PURPOSE OF THE AAD CAPACITY BUILDING PROJECT

The 1997 Aboriginal Communities Environmental Health Survey, conducted on behalf of the EHNCC, provides the backdrop to this Report. Apart from the severe environmental health problems this Environmental Health Survey discovered, it identified problems in the capacity of Aboriginal communities in their management of the infrastructure delivering their communities' environmental health. Capacity building within Aboriginal communities was seen as intrinsic to any improvement in environmental health outcomes.

This is equally true over the whole range of public policy inputs. We could easily include transportation, education, law and order, access to communications, and economic development and employment to these health aspects of Aboriginal disadvantage. The problems Aboriginal communities face is immense and their historical burdens are equally as great. It is within that context that this project reports.

The AAD 'Building Capacity Through Improved Management and Administration of Aboriginal Communities' project is explicitly a complementary exercise to the Western Australian State Government's proposed Regional Development Policy. The draft of this Regional Development Policy document includes strategies and initiatives to build the capacity of regional communities. This Report seeks to expand those considerations and to provide guidelines for further policy development.

It is generally recognised – and easily demonstrated by publicly available statistical data – that Aboriginal communities suffer from relatively disproportionate numbers of residents who exhibit severe and seemingly entrenched socio-economic disadvantages. This factor impinges adversely on such communities' outcomes in the provision to their communities of governmental services such as health, education, housing, etc. If only to improve their efficiency and effectiveness in taking up and managing these services, it is imperative that Aboriginal communities raise their capacity to implement and take advantage of government service provision. In other words, as discussed below, that they improve the presently abysmally low levels of 'social capital' (cf Winter 2000) that they currently exhibit.

As set out in the tender brief the purpose of this AAD project, which is oversighted by the AACC (through the Intergovernmental Working Group), requires the consultants to produce a report on the ...

development of a coordinated, interagency strategy to build the capacity of Aboriginal individuals, families and communities *in* improving the management and administration of their communities (AAD tender brief, p.2).

The purpose of this exercise has been subtly altered from the original text, as highlighted by our replacement of 'by' in the original terms of reference with 'in' (in

italics) here. This change reflects the tenor of the discussions between the AACC and the consultants (Mr Jack Crosby, Dr Christine Fletcher and Professor Rolf Gerritsen) on 7 February 2000. The Steering Committee agreed with the consultants' proposition that the AAD Capacity Building Project was not about examining the delivery of government-funded services, except insofar as their mode of that delivery might impact on the capacity of the target Aboriginal communities in some deleterious manner. Instead the project was about developing the resident capacity to manage the local level implementation of State programs as they were delivered to the communities.

The objective of this Report is to provide a useful input into the process of developing coordinated interagency strategies to build the capacity of Aboriginal communities to take advantage of existing services. Accordingly, we have attached recommendations to this document in order to focus interpretation of this Report and to aid in that coordination and policy development process.

The managerial competence of Aboriginal communities is an important requirement for their success. Managerial competence here refers to the totality of the management of the community. It is as much about the social order, education levels and access to relevant information as it is to the effective operation of the paid managers of these communities. Though this is community development orthodoxy, it is peculiarly appropriate to Aboriginal communities because in these there is a seamless transition between the public and the private domains.

The social state of an Aboriginal community is as much an indicator of its management capacity as is the efficient management of the programs delivered to that community's official Councils and other public organisations. So failure in any sphere cannot be separated from failure in another.

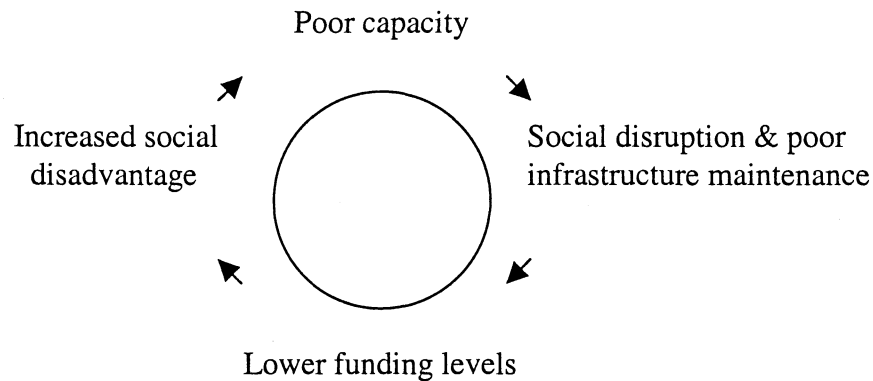
In a sense we can describe managerial capacity's place in policy implementation outcomes as evincing centrality to a phenomenon we label the *circularity of competence*. This circular system (sic) we describe as follows:

- poor community capacity means the greater likelihood of social disadvantage (defined broadly as including poor health, education, etc outcomes) and inadequate maintenance of the community's infrastructure;
- social disruption and poorly maintained infrastructure is likely to impact negatively on a community's funding levels¹ (see *section 2.3*);
- lower levels of funding lead to poorer health, education etc outcomes and so exacerbates social disadvantage; and
- increased social disadvantage is likely to reduce community management capacity (and so on).

¹ This is an administrative variant of Gresham's law of money ('bad money drives out good'). In effect it is revealed in policy and service delivery 'burn out' within the personnel of agencies delivering services to Aboriginal communities. Bad experiences and outcomes reduce the incentives to repeat or renew efforts.

These relationships can be represented diagrammatically, as in *Figure 1* below.

Figure 1: The Circularity of Competence



Of course this diagram oversimplifies the relationships. Obviously social disadvantage is also closely related to social disruption and, to a degree, the inability of communities to preserve infrastructure quality. And lower funding levels contribute to all the problems here represented. Poor capacity also directly contributes to lower funding levels, as unskilled community managers are not capable of maximising program inputs. However, the utility of this simple circularity of competence model lies in its identification of community capacity as the circuit breaker for the interrelated problems of Aboriginal communities.

The circularity of competence model identifies the fact that Aboriginal communities have very low levels of what is now called 'social capital' (Winter 2000, chapter 1). For present purposes social capital constitutes the following four elements:

- individual actions are guided by social norms of trust and reciprocity;
- individuals participate proactively in local community affairs;
- individuals are part of a wide variety of networks that give them access to information and potential resources; and,
- individuals react to the wider world with feelings of trust and safety.

It is immediately obvious to anyone even superficially familiar with Aboriginal communities that they have inadequate elements of all but the first of these characteristics of social capital. Aboriginal society is based upon norms of reciprocity.

But in the other three elements of social capital Aboriginal communities are outstandingly and uniquely deficient. The lack of education means that most Aborigines are not confident about understanding the requirements of the outside world and are content to leave it to a small elite to mediate with, and to make the community's commitments to government. Partly because they are usually in remote

settlements, Aboriginal communities and individuals do not have access to the networks of commercial, social, service and sporting association networks that inform individuals of matters of potential advantage to them and their communities. They are almost solely dependent upon government agency 'gatekeepers' for such information. For historical, educational and locational reasons, Aborigines do not react to the wider world with attitudes of trust and safety. Their reactions can best be characterised as incomprehension and bewilderment, if not outright suspicion.

So in the subject of capacity building we are dealing with the core of Aboriginal social capital disadvantage. Improving managerial capacity, especially through appropriate education (defined broadly), is one way to begin reversing the circular interactions that prevent Aboriginal community advancement. Improved capacity, rather than simply more money and more programs, has the best potential to ameliorate the currently dismal Aboriginal condition.

In addition, the improvement of the capacity of the managers within Aboriginal communities would protect the current physical and program infrastructure investment within these communities and so reduce negative spillovers to other governments and jurisdictions. The inter-agency coordination that we persistently recommend in this Report would thus be powerfully encouraged.

1.1 PROCESS AND METHODOLOGY

The process followed by the consultants in carrying out this project was relatively orthodox. An initial literature review was compiled (cf Fletcher 2000). This served two purposes:

- to clarify the semantic implications of the core concepts of this project, such as 'capacity building', 'human capital', etc; and,
- to trial some of the theoretical and conceptual approaches which the consultants were to test, especially in the case studies.

Once the Committee was informed – via the literature review (cf Fletcher 2000) – of these issues, in particular our holistic community development view of capacity building, then the selection of three case study communities followed.

This Report comprises the conclusions reached from the application of our theoretical approaches in those case study communities. It should be noted that, for budget and time reasons, the fieldwork visits were very brief and that it was difficult to compile comprehensive and properly comparative data in the limited time spent in each community. In addition, much of the financial data we required was simply not available. The field reports are attached as *Appendix A*.

The methodological approach taken by the consultants is slightly more unorthodox. For instance, we have advanced some hypotheses that are not part of the officially accepted or commonplace corpus of views about Aboriginal communities. We believe that the case studies justify that approach.

Finally, the case studies are presented in a relatively raw or unedited form. We think that the immediacy of observation that format provides will allow the reader to draw conclusions that may differ from those we have reached. Such a diversity of views may prove valuable in any policy processes that arise from this Report.

1.2 THE CASE STUDIES

This Report concerns itself with the elements of human capital, social capital and administrative and governance capacity within three selected Aboriginal communities – Balgo, Jigalong and Warburton.

These communities were chosen because they provide a representative range of the current perceived capacities of Western Australia's Aboriginal communities. By selecting a broadly representative sample of these communities, it was intended to make the conclusions drawn in this Report more generally applicable than if, for instance, only communities with a current reputation for relative success (such as Warburton) had been chosen. Conversely, only selecting a community that was undergoing severe difficulties might bias the recommendations towards initiatives that would be redundant in the more successful communities.

Jack Crosby visited each community for the fieldwork component of this project. His observations (see *Appendix A*) were shaped very much by the circumstances of each community at the time of his visit. That is inevitable given the short time frames of this project. Greater standardisation of our treatment of each community would only be possible with extended periods of fieldwork. We have thus concentrated upon presenting the essential capacity management issues within each community, without being overly systematic.

1.3 THE CURRENT POLICY ENVIRONMENT

In April this year an *Agreement for the Provision of Essential Services to Aboriginal Communities in Western Australia* was issued in draft form. This Agreement is between the Commonwealth government, Aboriginal Torres Strait Islander Commission (ATSIC) and the Western Australian government. The Agreement is ...

aimed at providing more efficient and effective delivery of essential services to Aboriginal communities and improving environmental health outcomes for Aboriginal people. It is entered into in the spirit of partnership and with the understanding that both levels of government are committed to that partnership.

Significantly one of the objectives (f) of the Agreement provides for '...the promotion of increased opportunities for local and regional participation in service planning and delivery.' Consequently, this project, which aims to enhance the effectiveness of such participation, is firmly in the policy mainstream.

One of the Agreement's proposed outcomes (d), amongst other outcomes, includes increased training for Aboriginal people and organisations. Again that is central to the concerns of this Report. The section of the Agreement dealing with service delivery principles also emphasises Aboriginal empowerment in the service delivery process, especially the need of service agencies to negotiate with and maximise Aboriginal participation in that process.

This Agreement also tackles the vexed issue of intergovernmental coordination, one of the problems that bedevils service delivery to Aboriginal communities. *Figure 2* shows that at present (apart from education, health, police and other State programs) there are six infrastructure programs directly targeted at Aboriginal communities.

Figure 2: Infrastructure Programs to Aboriginal Communities

Program	Principal Agency
National Aboriginal Health Strategy	ATSIC
Remote Areas Essential Services Program (Capital Works)	ATSIC
Remote Areas Essential Services Program (R & M)	WA Housing
Aboriginal Community Strategic Investment Program	WA Housing
Environmental Health Package	WA Housing
Other Capital Programs	ATSIC/WA Housing

It is apparent from this figure that housing agencies are intrinsic to the provision of infrastructure on Aboriginal communities. So it is not surprising that agencies related to these programs have developed comprehensive approaches to training and asset management that have at their core the encouragement of Indigenous managerial capacity. The ACSIP scheme is one such example.

In 1998 the Commonwealth/State Working Group on Indigenous Housing developed a National Skills Development Strategy for Indigenous Community Housing Management. This strategy addresses the Indigenous control and direction of training and seeks to develop holistic community development approaches towards skills development. In particular this national strategy focuses upon what is now called governance capacity – ie the abilities and skills of the elected or nominated Boards/Councils etc to make policy and to strategically oversight the management of the organisations for which they are responsible.

The Commonwealth/State Working Group on Indigenous Housing has also commissioned a study on asset management best practice for Indigenous housing organisations (Spiller Gibbins Swan 2000a) together with an asset management manual for these organisations (Spiller Gibbins Swan 2000b).

In addition, the Western Australian Department of Commerce and Trade (Commerce & Trade) has developed an elaborate structure – including regional development commissions – designed to support regional community development. They have developed a capacity building package targeted at rural Western Australian communities. The Department's *CommunityWise* Tool Kit (Commerce & Trade 2000), provides material that is of relevance to community building.

- Information tools to assist communities to manage community economic development. These include guides to submission writing and working with the media, plus outlines on management committee responsibilities.
- An Assistance Directory that summarises funding and assistance programs.
- A Contacts Directory lists the details of relevant agencies and organisations.

The Commerce & Trade package suffers from the disadvantage of their focus upon community economic development and so not explicitly dealing with Aboriginal communities' particular concerns, which are as much social as economic. But they do provide templates that could readily be adapted to the situation of such communities. The AACC should consider developing an Aboriginal community version of *CommunityWise* to assist in capacity building in those communities. A community development agency should make this one of its first priorities.

There is now a relevant body of research dealing with community development. There is the Northern Territory Remote Area Management Project (Jackson & Heffernan 1998). In addition, there is an on-going research project within the Department of Aboriginal and Torres Strait Islander Progress in Queensland². In that State, the Local Government Association of Queensland has also developed a sophisticated model for local community development (LGAQ 1998). All these materials lend themselves to adaptation in Western Australia.

So the skills development and training infrastructure already partly exists for assisting Aboriginal communities to enhance their managerial capacities. This is both at the policy level, as discussed above, and at the practical level. In addition to the Commerce & Trade material, for example, the Kalgoorlie TAFE has a course in corporate governance that is relevant to the training recommendations of this Report.

In that sense the recommendations arising from this Report are implementable. The new Agreement between the State and the Commonwealth (through its principal agency, ATSIC) provides a policy framework consistent with the recommendations we here advance.

2.0 PROJECTING THE SCOPE OF THE PROBLEM

² Refer to: Kchilds@atsipd.qld.gov.au

Here we considered five separate, but to a degree interrelated, matters. The first was the issue of the definition of capacity building; the second the impact of local politics on capacity; the third the ever-present problem of financial resources; the fourth the Aboriginal relationship with Local government; and the final issue was the very important one of training in local management and policy making capacity.

2.1 ISSUE 1: DEFINING CAPACITY BUILDING

This issue has long attracted academic and official attention (eg see Honadle 1981, 1986). We addressed the definition of capacity building in the literature review by Fletcher (2000). This we defined broadly. Along with the orthodox public policy analysts we posited that capacity building in Aboriginal communities was:

“Likely to lie somewhere between the type of public approach that governments traditionally choose to adopt and the scope, style and level of existing community participation in decision-making”. (Fletcher 2000: 1).

The difficulty was that the two approaches, that of government and that of Aboriginal communities, have increasingly diverged. Government services have become more business-like and tightly defined. Community participation, being prolonged if for no other reason, vitiates the output management and performance based imperatives of the new style of public management. At its most extreme, contemporary public management is overly focused on the quantitative and so ignores most of the broader art of service leadership (Waldersee 1999).

To resolve this conundrum we approached this study from a framework of ‘how do we give the community more capacity to manage the impact of governmental services?’ This raises different issues from those of the capacity of government to manage the local impact and enhance the efficiency and effectiveness of its services.

We consider that participation by Aboriginal communities in the process of implementing governmental policy and programs is necessary if they are to raise their administrative and decision-making capacities. Ultimately, such participation raises the level of social capital in these communities. If a resident capacity to participate in service delivery is achieved, eventually the efficiency and effectiveness of government program delivery will be improved.

To achieve this positive ‘win-win’ outcome is obviously much easier in theory than in practice. For administrators, Aboriginal culture (administrators may see it as apathy or vacillation) can infuriate. Frequently the lack of administrative skills by Aboriginal leaders can create problems for governmental service managers, who face strict accountability standards. For Aboriginal communities the obscure processes and purposes of government, especially its elaborate requirements for administrative and financial accountability, seem to be an end in themselves and not related to local outcomes. Aboriginal communities can see their obvious and urgent needs. They do not understand that the allocation of resources always meets the contradiction between

extensive demands and limited fiscal resources, and that resolving that contradiction is ultimately the role of our elected Parliaments.

Accepting all this, we have attempted in a practical manner to outline the issues associated with service delivery from a community perspective. This project is predicated on the assumption that the two needs, the recognition of Aboriginal singularity and disadvantage and the need for efficient and effective services, have somehow to be brought into congruence.

2.2 ISSUE 2: LOCAL POLITICS AND MANAGEMENT CAPACITY

One factor that has to be taken into account in attempting to improve the management capacity of any community is how that community organises and distributes authority. If that community is engaged in the delivery of governmental programs, then this pattern of authority can shape the choices it makes in response to the aims of government. Unless government administrators understand the 'culture' of that community, such local prioritisation may seem misdirected or even perverse. So what we here call 'culture' – actually the organisation and distribution of power within the community – can affect the 'capacity' of a community to assume a responsibility (as the government official would see the matter).

Politics matters. Service delivery is not a conflict free zone and communities of all kinds seek to pick and choose from the governmental fruit salad, those things that suit them and to resist those that do not. This behaviour affects outcomes, if only by reducing the efficiency or effectiveness of the community's power brokers non-preferred activities.

It is a truism that the remote Aboriginal communities of Western Australia have a social culture that is different from that of the majority of the citizens of the State. The three case study communities are all exemplars of this point. The issue then arises as to whether this culture creates difficulties, misunderstandings or failures in the formal transactions between those communities and the institutions and governmental agencies with which they have to interact.

In explaining how Aboriginal communities react to and operate within the administration of their formal interactions with government and its agencies we have resorted to two alternative groups of theories: rational choice theories and grid-group theories. We have overlooked the third groups – structuralist theories – that are not relevant to the present purpose. These theories and their associated documentation are outlined in *Appendix B*.

Essentially rational choice theories assume that humans make conscious choices within their understandings of the limits of practical possibilities. At the political-public administration level, rational choice theory tends to devalue cultural singularity in explaining how people administer institutions. There is evidence from studies of Northern Territory Aboriginal communities that this theory has considerable explanatory power in understanding Aboriginal responses to government programs.

The implication of this theory is that much of what administrators ascribe to a lack of community capacity is in reality the inefficient result of the clash between program design and community elite preference. The rationalist approach holds many potential insights for understanding the behaviour of Aboriginal communities and their interactions with the outside world of service delivery agencies.

By contrast grid-group theories (which came originally from sociology – see *Appendix B*) operate in two dimensions – the group and external prescription. Grid-group theory posits that the tension between the group and the external world produces orientations to two fundamental social dimensions:

- the legitimacy of external prescription (grid); and,
- the strength of affiliation with others (group).

Their traditional culture affects the values and perspectives that Aboriginal people bring to inter-personal relations and ultimately to socio-political relations. Aboriginal culture's emphasis upon self-regulation, consensus, and appropriate relationships (Coombs, Brandl & Snowdon 1983) means that Aboriginal communities have to make a wrenching adjustment to deal appropriately with codified western rational-legalistic and impersonal, individualistic political and administrative systems. Aborigines bring to that encounter an accumulated worldview that has been filtered by their culture. In application this means that 'traditional' Aboriginal culture carries substantial inertial elements. Aborigines interpret the world in relation to their own preferences and perspectives, which may or may not accurately reflect reality.

If we were to use this grid-group approach to analyse the responses of Aboriginal communities to external agencies (the 'external prescription' of the model) we would probably find that there were strong feelings of group affiliation and mixed or fatalistic acceptance of external prescription. In addition those communities would interpret the purpose of any service delivery program in a manner that made sense to their filtered worldview. That view may be substantially different from the assumptions underlying the program's design.

This theory has implications for the community's response (capacity to manage in our terms) to external agencies. It may mean that responses to agencies will vary over subject and over time, as values or acceptance of programs (the 'grid' or external prescription variable) changes. Accordingly, irrespective of the actual capacity of a community to deal with a program or 'duty' (as this is seen from outside the community), the seeming capacity of the community will vary from time to time. This will be for factors intrinsic to the community and may have nothing to do with the design of the program (duty). That is why the three case studies in this Report are important, so that we can separate out objective or actual deficiencies in management capacity from policy areas where a lack of capacity masks hostility or indifference to the external prescription of State or Commonwealth programs.

So what we have from this above theorising is two groups of possibilities insofar as failures of management capacity (as we outsiders would define it) in Aboriginal communities is concerned.

- That there is some local distributional issue – such as elites shaping the program for their own ends, or inter-group conflict – that prevents the local community managers from delivering the program in a manner intended by its designers in Perth or Canberra; or
- That there is some genuine dissonance between the program design and the cultural preferences of the community – inappropriately designed housing is a frequently occurring example – that causes the community managers to implement the program in a half-hearted manner (ie to exhibit low management capacity).

This requires administrators to reflect upon the state of the community because each possibility requires a radically different approach. In the first case, where a program is being implemented in an inegalitarian manner, a more authoritative administrative response is morally required (though this is politically difficult). This may mean explicitly including distributional objectives in the program's design. For example, that each family has a house before any one family can obtain another one. In the second case, the more appropriate course of administrative action is to recognise a failure of communication, which can best be tackled by redesigning consultation with that community.

Of course, outside this rational choice-culture dichotomy there is also another possibility: that the local managers truly cannot cope with the complexities of a particular program. This is a genuine failure of management capacity (as seen from the perspective of the departmental headquarters), but still raises the other issue of inappropriate program design insofar as the program is intended to operate effectively in such a community.

2.3 ISSUE 3: CAPACITY AND FISCAL RESOURCES

Everybody – within Aboriginal communities as well as within government – agrees that to adequately address the infrastructure needs of Aboriginal communities would require considerably more money than is currently applied to this effort. It is a melancholy reality that financial demands will always dramatically exceed governmental financial supply. Accepting that, we have noted that existing resources appear to be unevenly applied and to be variously effective.

We also deal with this subject at *sub-section 3.1* below. The problem we faced here was one of data. It is impossible to find out from official reports how financial resources are relatively distributed between Aboriginal communities.

Generally our three case study communities received widely disparate resource inputs. One example of these disparities is shown by the details of the Financial Assistance

Grants entitlement of each of the three Shires covered by our fieldwork study (see *Figure 3*).

We discuss Local government funding at more length elsewhere (see *sub-sections 2.4 & 3.6*). But the reality is that Shires that include the Jigalong and Wirrimanu communities get less Local government general purpose funding per capita than does the Ngaanyatjarra Shire Council at Warburton (as *Figure 3* indicates). This is despite the fact that the former Shires have a higher per capita grant pool element to draw from; the final disparity reflects overall disability-based needs. We can assume from this fact that Jigalong and Wirrimanu receive less Local government assistance than Ngaanyatjarra does. This is doubly so because Jigalong and Wirrimanu are a subordinate, under-represented element in institutions over which they have no control. Accordingly, the priorities of those institutions – in this case the East Pilbara and Halls Creek Shire Councils – may not accord with the priorities of the Jigalong and Wirrimanu communities.

Figure 3: The Three Shires Estimated Commonwealth Financial Assistance Grants Entitlement, 1999-2000

Shire	Pop. (1997)	Area (sq kms)	General Purpose Grant	Roads Grant	GP grant (\$ per capita)
East Pilbara (Jigalong)	7,047	378,533	\$1,407,645	\$882,080	199.75
Halls Creek (Balgo)	3,083	142,908	\$1,298,578	\$659,693	421.21
Ngaanyatjarraku (Warburton)	1,500	159,948	\$987,492	\$543,316	658.33

Source: NOLG 1999

Roads maintenance is an instance where Local government funding disparities impinge on Aboriginal communities. For the Jigalong community their road to Mt Newman is a first order priority. Similarly, the Wirrimanu community attaches great importance to the Tanami Road (some of the groups in that community have strong cultural and ceremonial links with the Aborigines of the northern Tanami Desert). By contrast, the two Shires may see each of these roads as minor arteries. Consequently, these two communities will receive less of what they want from Local government than will the Ngaanyatjarra community, who 'own' their own Shire. The Ngaanyatjarraku Council determines its own roading priorities.

Similar factors affect the distribution of resources across the whole spectrum of service delivery. If, as shown in the above discussion of the circularity of competence (see *Figure 1*), a community is seen as having low capacity, then when government

agencies are making decisions about where to allocate their scarce resources, they will most probably choose the more able recipients. There are managerial incentives to do so. Money is scarce and so spending it upon an activity likely to be successful makes more sense to output-oriented administrators than a more risky venture in a community prone to failure.

Government officials are forced to choose where to set their priorities. If a community can establish an Arts Centre, then it is more likely to attract assistance from governmental arts agencies. So it is doubly rewarded for having the 'capacity' to organise artists and build a centre because it can then persuade government to support the activity.

Consequently, there is a tendency for resources to follow capacity. Rather than resource scarcity as such, official perceptions of a community's capacity to implement a program is probably a major reason for the disparities of resources – relative to each other – that Aboriginal communities can attract. Programs specifically targeted at relatively disadvantaged communities, such as the ACSIP, are a welcome counter point to this observation.

2.3.1 Financial management processes

Another issue of financial capacity deals with the budgetary procedures of State Treasury.

The Western Australian State Treasury, in common with Treasuries nation-wide, usually claws back to consolidated revenue any program funds unexpended at the end of the financial year. This practice militates against efficient program delivery to remote Aboriginal communities, where effective program delivery requires extensive and prolonged consultation. This means that Treasury procedures (to say nothing of performance-based remuneration) on occasion encourage agency officers to complete projects without appropriate consultation. This is particularly true for infrastructure programs that necessarily operate to strict guidelines because of the difficulty of securing competent and reliable contractors in remote areas.

The combination of the requirements of infrastructure development and Treasury procedures is probably behind the complaints that we note elsewhere about the consultation failures with regard to housing provision. Irrespective of these other issues, current Treasury procedures with regard to requirements for the disbursements of program funding are not conducive to developing proper capacity building processes within Aboriginal communities.

Accordingly, we would recommend that the appropriate regulatory changes be made by State Treasury to allow an exception to be made for program delivery to Aboriginal communities. Agencies delivering such programs should be allowed to hold funds over successive financial years in order to facilitate proper community consultation, which is intrinsic to community capacity building.

Ultimately there will be less wastage of resources if a less hurried pace of service delivery is allowed. So what we recommend would eventually be more efficient as well as effective.

2.4 ISSUE 4: ABORIGINES AND LOCAL GOVERNMENT

Two of our case study communities, like all Aboriginal communities in Western Australia, are encapsulated within mainstream Local governments. These Local governments are important service providers, particularly for local roads construction and maintenance. We note below that relations between Local governments and their constituent Aboriginal communities have not always been happy, though recently (partly because of Department of Local Government initiatives in response to directions of the Ministerial Coordinating Group on Aboriginal Issues) they have improved. In addition, the State government has actively encouraged Aborigines to participate in their Local governments, both as electors and candidates, though with little success to date.

From the Aboriginal perspective there is a continuing cultural divide; Aborigines tend still to regard Local government as 'whitefella' business and of little importance to themselves. Nevertheless three sets of issues remain important with regard to Local government relations with their Aboriginal communities.

2.4.1 Financial issues

Historically Aboriginal communities have complained of their relative neglect by Local government. This was because Local governments saw ratepayers as being legitimately the priority for Shire spending. Aboriginal communities frequently did not pay rates, especially after they were designated as 'charitable' institutions (WA Supreme Court, *Shire of Ashburton v Bindi Bindi Aboriginal Corporation* 1999). In recent years the Western Australian State government has pressed Local government to recognise that rates were not a subsequent service entitlement, and that Commonwealth FAGs were largely earned by the disability factors engendered by Aboriginal communities.

Local government attitudes have changed in this regard towards a better recognition of their obligations to citizens, not just to ratepayers.

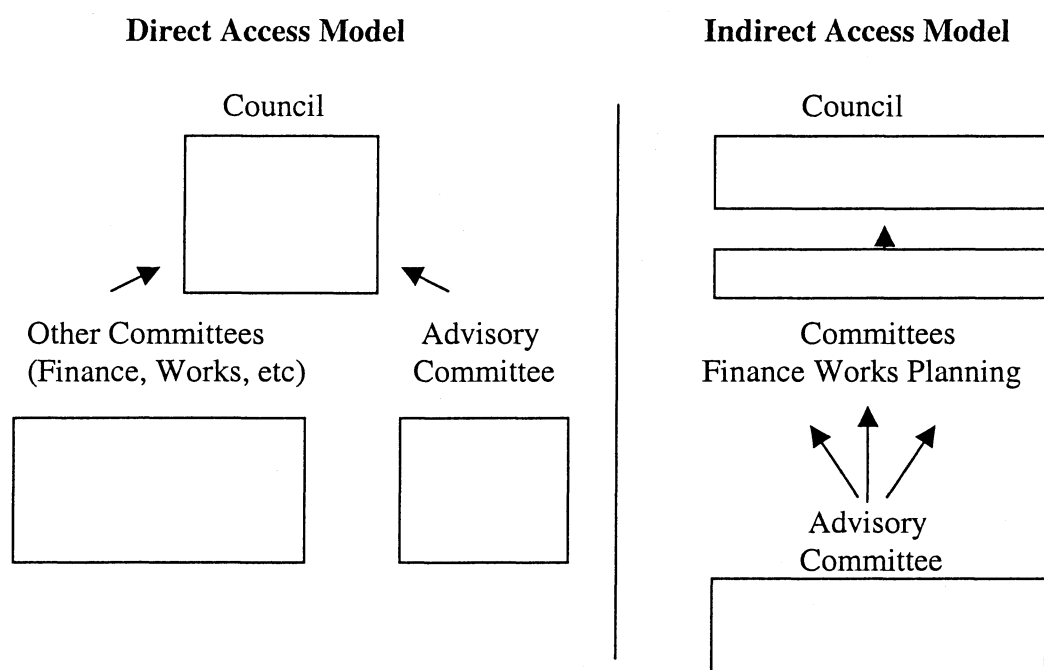
Although the rates issue is substantially resolved, other issues of financial distributions remain. The State government has two programs – the Community Facilities Program for facilities such as information signs, public toilets, playground equipment, etc, and the Safer WA Program for public safety measures such as security patrols and street lighting – that are delivered through Local government. Aboriginal communities frequently complain that they do not have access to these programs and that the funds are usually expended in their Shire's headquarters community. Better structural incorporation of Aboriginal communities into Local government may eventually resolve this issue.

2.4.2 The appropriate structure issue

Most Aboriginal communities, perhaps influenced by the relative success of Ngaanyatjarraku Shire, feel that they should have their own Local governments. We recommend against such a step. These Councils would raise virtually no rates and would be almost entirely dependant upon intergovernmental financial transfers. Other impediments include land title and ownership issues and the difficulty of attracting appropriately qualified staff.

As an alternative, the *Local Government Act 1995* allows for an Advisory Committee structure within Councils. An Advisory Committee representing each Aboriginal community could be established and allow for what we label, direct access or indirect access structural models. The direct access model would establish an Advisory Committee of equal status to existing Council committees. The indirect access model would provide access for the Advisory Committee to the committee structure of the parent Shire. *Figure 4* represents these two models.

Figure 4: Local government structural access models



We are agnostic about preferring either model. The direct access model has the advantage of providing Aboriginal representative interests with access to the decision-making arena of Local government. However, the indirect access model has the advantage of accessing the policy deliberation and recommendation arenas of Local government. It is here that much policy is made, policy that is then ratified in open Council meetings. Both models have different favourable and unfavourable aspects, hence our reluctance to recommend either to the exclusion of the other.

2.4.3 Service delivery

The Department of Local Government has recently been pressuring Local governments to make separate indications in their principal activities plans of services

provided to Aboriginal communities within their jurisdictions. This is a commendable step towards reducing misunderstandings. The Department should be encouraged to make such reporting mandatory.

The Department is also pressuring Local government to institute joint service agreements with their constituent Aboriginal communities. This would overcome some of the problems of Aboriginal communities perceiving that they are disadvantaged relative to their Shire's towns in the provision of Local government services. This initiative should also become mandatory.

2.5 ISSUE 5: TRAINING AND CAPACITY BUILDING

The question of training in capacity building is a vexed one. In a sense it is yet another paradox of Aboriginal communities. There has been a lot of training in most Aboriginal communities. Yet, arguably, this training has had little impact. This is not because of incompetence on the part of the trainers, or obduracy or stupidity on the part of Aboriginal community members. The relative lack of success of training is due to three factors.

- Though usually provided by competent trainers, rarely is the training followed by systematic application. This is usually because the training provides skills for jobs or activities not readily available in the community. Or else it utilises equipment, materials etc not easily obtained by all persons on the community. If, for example, a person was trained in the use of Excel computer software but then did not apply the training for a prolonged period, then their skills in applying that software would rapidly atrophy. The ACSIP scheme seems to be attempting to address this problem.
- Alternatively the training provided may not be particularly culturally sensitive. For example, the Western Australian Municipal Association conducts short courses for newly elected Local government Councillors. But because there is only one Aboriginal-dominated Shire in Western Australia, and very few Aboriginal Councillors in the remaining Councils, this training is not currently delivered in a manner readily useable by Aboriginal Councillors. The Department of Commerce & Trade has a suite of materials – in its rural capacity building and *CommunityWise* packages – that are excellent but not adapted to Aboriginal communities. We have made a recommendation that this be rectified (*sub-section 1.3*).
- Another problem is that many Aboriginal leaders have very poor literacy and numeracy skills, which limits their access to most mainstream training provision. This limits the effectiveness even of courses specific to Aboriginal communities, such as were developed for the Northern Territory's Remote Area Management Project (Jackson & Heffernan 1998).

In *sub-section 3.3* we raise the issue of access to leadership and management. This is because the issue of whether governments need to provide training/access to leadership from groups that are relatively unrepresented in community power

structures is exceedingly complicated. There is a potential for local problems resulting from such interventions. As we note, this is not an easily resolved question.

In the past the then Department of Education, Employment & Training provided a Training for Aboriginals Program (TAP) which included a Community Management Training Scheme (CMTS). These activities were later assumed by ATSIC. However, subsequent funding cuts to ATSIC means that this scheme is no longer available. However, it remains a template that the AACC could consider. The development and impending release by ATSIC of its training package for Board members of organisations is in recognition of the need for training of this kind.

Currently the Department of Employment, Workplace Relations & Small Business (DEWRSB) has in place an Indigenous Employment Policy (IEP), which offers limited programs that may support elements of capacity building. The AACC may consider forming a sub-committee to commission a proposal as to how the IEP could be accessed to provide funding for an initiative aimed at developing management capacity at the Aboriginal community level.

3.0 OBSERVATIONS FROM THE CASE STUDY FIELDWORK

This is the major element of our Workshop Report. It is organised into five sub-sections, replicating the headings in our recommendations (though the congruence is not intended to be exact). These sub-sections are: the patterns of resource allocation; medium term issues (defined as being those requiring new inputs or redirected current outputs); benchmarks of community capacity; and longer term issues that require either legislative change, altered intergovernmental or financial arrangements, or strategic shifts in policy.

3.1 PATTERNS OF RESOURCE ALLOCATION

The 1997 EHNCC's report from its survey of Environmental Health Needs of Aboriginal Communities in Western Australia is detailed, comprehensive (and commendable). The report supports the proposition, that there has been an acceptance of a poor standard of infrastructure and service delivery outcomes, in fact if not in stated policy. The Committee reports an acceptance of a status quo in which all the indicators of Aboriginal environmental health are not only many times worse than national and regional averages, but also are either not in compliance with or unlikely to meet minimum standards.

The project team notes a key finding of the Initial Evaluation of the Demonstration or ACSIP Project, sponsored by AAD, that there appears to be a lack of clarity about when communities are 'normalised' (ie when an acceptable standard of 'essential services' has been achieved). We would argue that any lack of clarity about this might in part at least reflect an adoption of a status quo in living conditions that renders it impossible to build the capacity of communities to improve those living conditions.

The ACSIP pilot program incorporates recognition of the need for and the commitment to attempt to end this unfortunate situation. To the extent that it has been successful, its continued application in the chosen communities and its extension to further communities is proposed. Modification may be considered appropriate with regard to the particular situation in different communities. Acceptance of the rationale for this program and support for its extension is at issue. *We generally are supportive of this program because it explicitly incorporates community capacity building in its program design.*

The statistical survey findings indicate that a long-term budget commitment for breaking the cycle of poor environmental health is justified in line with government policy. This may require a rethinking of accepted baseline premises to budgetary processes to some degree. In particular it requires a re-think from the State Treasury about its financial procedures, especially the practice of 'clawing-back' unexpended

program funds at the end of each financial year. We have made recommendations in this regard in *sub-section 2.3*.

A second proposal relates to the structure and parameters of ATSIC program funding. In recent times, the gradual change in the guidelines and allocations of ATSIC funding programs has led to that agency's funding being used to substitute for mainstream State funds for essential services or environmental health needs. The consequence has been funding reductions in ATSIC's other program areas. In the long term supplementary funding of appropriate programs to bring standards to a minimum acceptable level is not possible from this agency.

Consideration can be given to reversing this by agreement between agencies for adoption in an extended ACSIP. It may be considered appropriate for part of any ACSIP-style projects to be recognised as specific supplementary funding from ATSIC, while other agencies adopt a more mainstream approach to such projects. This issue needs to be addressed in designing the Wirrimanu Pilot Project we recommend in *sub-section 4.1*.

CDEP and service levels

One matter that was raised was agency usage of CDEP workers. The communities complained that this did not lead on to jobs and suspected agencies of using the program merely to utilise local agents to reduce their costs of service delivery. The issue of CDEP and its relationship to program delivery needs to be reassessed. The CDEP could be used, with appropriate top-up funding, to facilitate community-based training in capacity building. Alternatively, the CDEPs could provide specified agency services on a contractual basis, with a component of the contract providing for training. This should lead to local CDEP workers eventually becoming properly paid officers of the agencies for which they currently act as service assistants.

3.2 MEDIUM TERM ISSUES REQUIRING NEW AGENCY INPUTS OR REDIRECTION OF CURRENT OUTPUTS

There are several matters raised in this sub-section.

- Mentoring Aboriginal policy-makers and managers.
- The regionalisation of service agencies.
- Interagency coordination.
- Community participation in interagency coordination.

These issues flow from our field visits. Here we have made a number of minor suggestions, not all of which have been incorporated in the table of recommendations at the front of this Report.

Mentoring Aboriginal Community Capacity

One method of continuous improvement of Aboriginal community capacity is to establish administrative and policy mentoring systems. This is partly covered by our comments below (*sub-section 3.6*) concerning Local Government assistance with management staff recruiting. Essentially, what we propose is the establishment of appropriate mentoring systems to assist in capacity building in Aboriginal communities. We note that the Canning City Council currently assists the Ngaanyatjarraku Council with its management. Similar fee-for-service arrangements may be appropriate for Jigalong and Wirrimanu. Local government is the natural repository of the skills required in managing Aboriginal communities. Alternatively, mentoring Aboriginal community capacity could be built into program delivery, as is currently the case with the ACSIP pilot projects.

This point should be subsumed within our recommendations about the urgent need for a holistic community development agency. Such an agency would have as part of its role the continuous provision of assistance to the managers and policy executives of Aboriginal communities.

Regionalisation of service agencies

In their service delivery many government agencies operate from differing regional bases. AAD's regions generally mirror the ATSIC Regional Council areas. But other agencies have differing regional headquarters according to their own organisational imperatives. This creates confusion on communities and complicates inter-agency coordination.

We realise that every report on local level service delivery makes the above observation. And that rectifying the problem is fraught with difficulty, to say nothing of the costs involved. Nevertheless, the AACC should consider some action on this matter if only because differing agency bases can reduce interagency coordination and so the efficiency of the totality of the services delivered to Aboriginal communities.

Interagency coordination

The need for and benefits of coordination are accepted by the AACC, the Intergovernmental Working Group (IGWG) and by governments generally. There may be different emphases and concepts involved among the agencies, but the general principle is always supported. The ACSIP is seen as evidence of an agency putting this principle into practice. This program exhibits an evident purpose within participating agencies collaboratively to improve the infrastructure as well as the administrative viability of communities.

We refer below to the need for coordination to be implemented at the community level. There are several aspects to this coordination. Some are in place and others are not really in evidence in the three communities discussed in this Report. AAD's Local Advisory Council has begun this process of regionally based agencies coordinating their activities. It needs to be taken further.

There are at least two specific proposals for consideration:

- That LACs develop agreement across agencies for the process and outcomes of community and regional level coordination of each agency's programs and projects to be reported at the LAC sponsored interagency forums at both these levels;
- That specific roles be designated for agency staff involved in the delivery of programs and projects in communities to conduct and be responsible for reporting on their part in implementing interagency coordination, in line with the plans developed by each agency and agreed to in the LAC forum. Such reporting can be a requirement for satisfactory job performance and be included in the specifications of the relevant agency staffs' job descriptions or their equivalent.

The attempts some agencies undertake in this regard are diminished or unsuccessful because of a lack of capacity within the host community. To reiterate, capacity-building is an ongoing and comprehensive process. Deficiencies on either side can undermine the complementary goals of both agencies and communities.

Community participation in interagency coordination

Each agency is required to deliver services or perform its functions effectively, within budget, in an accountable manner, and in compliance with the legislative and regulatory framework applicable to its activities. The difficulties of achieving this in a remote Aboriginal community setting are well documented.

However, agencies still frequently rank the need for and benefits of interagency coordination low on their list of priorities. Community leaders, members and organisations express frustration at not being able to address their community concerns in an integrated manner because agencies are solely focused upon their own programs. Matters of content, quality of delivery and coordination with community plans and structures of agency activities cannot be addressed because agencies report to their regional and higher authorities first and the community as an entity last. When agencies deliver their services within the authority of a regional Aboriginal organisation, this indifference to community priorities is diminished.

We accept that certain exigencies of modern managerialism – in particular the now fashionable conjunction between performance-based remuneration and program management – creates disincentives to accommodate the delays that inevitably accompany project coordination and integration in Aboriginal communities. Notwithstanding this factor, we note that despite protestations to the contrary, effective coordination between agencies is rare as far as Aboriginal communities are concerned.

Jigalong has been chosen to participate in ACSIP. While the opportunity to improve the standard of housing and other infrastructure has to be welcomed, there are some problems with the objectives of coordinated planning and the involvement of the

community in the process. There is a clear perception that the informed position of the Jigalong community's representatives on particular matters has been ignored on several occasions. The community is currently striving to work with government agencies in a coordinated manner. Jigalong Community Inc. members feel that there is not a high priority placed upon interagency coordination at the community level, even by agencies represented on the AACC and the Intergovernmental Working Group.

It has been suggested by people in each community, usually in an unsolicited context, that agencies should be accountable to the Aboriginal community and organisation in the same way and to the same degree that the converse applies. To realise this in practice, agencies should consider having coordination across agencies and with community authorities included in the specification of administrative positions and description of activities, to be accounted for in the regular reporting process. Such an initiative would require budgetary allowance being made for this requirement. Alternatively, the AACC could establish a protocol with inter-agency consultation requirements upon each service delivery agency. This proposal could be experimented with in our proposed Wirrimanu Pilot Project.

3.3 BENCHMARKS FOR GOOD COMMUNITY CAPACITY STANDARDS

We have few specific examples of programs/projects that merit wider application in providing a benchmark for good capacity building and management. Two we have seen are the ACSIP and the Palyalatju Maparnpa Health Service. There are real problems in establishing management capacity benchmarks; local politics often intrudes counter-productively.

Aboriginal Communities Strategic Investment Program (ACSIP)

We see the ACSIP project as a viable means of supplementing key infrastructure in Aboriginal communities.

The Jigalong community was surprisingly critical of the ACSIP project (also known as the demonstration project), arguing that in many ways it revisits the commitments made by various governments in the mid-seventies. They told us that government did not follow through then on agreements to listen to Martu in community building. They also claim that there are still ambivalent actions by government agencies some twenty-five years later. By contrast they argued that, while there has been plenty of problems for Martu, there has been no lack of commitment or desire on their part to build their community.

The ACSIP provides a model for general supplementary funding for the provision of Aboriginal community infrastructure. There is a strong case for the expansion of the program to include all Aboriginal communities. It certainly provides a starting point for our proposed Wirrimanu Pilot Project (*sub-section 4.1*).

Palyalatju Maparnpa Health Service

We include this Balgo-based project as a benchmark for the process of establishing a service rather than the quality of that service. Creating Palyalatju Maparnpa Health Service featured extensive and intensive consultations with the community in order to both allow the Aboriginal community to 'own' the project and to understand the nature of its operation and their responsibilities for it. The other aspect of this project that we feel may prove over time to be a benchmark is that it is organised on a regional basis. So as the management of the service develops it will spread that management capacity over a wider area and a number of communities.

There are two further issues here – Aboriginal community politics and the relationship between organisational structure and efficiency/effectiveness – that merit attention under the rubric of benchmarks. This is because they are issues that may affect the success of supposedly effective programs when they are transferred from the locality where they were developed to another region.

Aboriginal Community Politics

There is an issue of elite dominance of Aboriginal communities that is politically very difficult to deal with, as there are advantages to government agencies in not admitting that the problem exists.

Warburton can illustrate this point. The case study of Joe's nephew from the Warburton fieldwork indicates the perpetuation of elites and supports the rational choice hypothesis of Aboriginal politics. The Ngaanyatjarra determination to maintain their law can be interpreted optimistically, as continuing cultural vitality. Alternatively, it can be interpreted pessimistically, as including an element of the existing elites using traditional 'blackfella' law as a means of maintaining their supremacy, not just in traditional business but also in its spillover, 'whitefella' (ie government) business. The fact of the Warburton chequebook being in Alice Springs can suit community leaders that are seeking to remove public resources from the mutual obligations to kin that are part and parcel of the Ngaanyatjarra social system.

This is not to make too much of these observations; they are made merely to note the potential for inequitable access to management within the community. In practice, we observed that the leaders of the Ngaanyatjarra community made positive efforts to include elements, which could be regarded as their opponents. That is in keeping with the social consensus focus of Ngaanyatjarra culture and enhances Warburton's image of having reasonable levels of management capacity.

The picture in this regard is not so positive at Jigalong, and even less so at Wirrimanu. Despite all the community coming from the same language group, Jigalong has suffered over two decades of inter-group conflict, which still affects the community's management. Wirrimanu's current troubles seem to be a legacy of having different resident language/social groups. Dissension and distributional conflicts between these

groups appears to be a continuing drag on the development of that community's total management capacity.

This raises the question of whether governments need to provide training/access to leadership from groups that are relatively unrepresented in community power structures? And if they do so, will this antagonise the leading groups? This is an issue without ready resolution. We simply note it, without providing any recommendations.

Structure and benchmarking effectiveness

Each of the case study communities have notable differences in their structures for decision making about the affairs of their community, including the management of programs. From the Warburton example, we could conclude that communities with a single, functionally centralised organisation tend to be more effective than communities where there are multiple organisations, some with only one function. Where this occurs there seems to be some competition between organisations at the community level. Conversely, communities with multiple organisations tend to be more inclusive in terms of giving most groups some access to management and policy-making power.

There is probably a broader framework applicable here. When a community is in disarray, or is in the rebuilding stage after a period of troubles, then a more decentralised community organisational structure may be preferable. That allows each governmental service agency to assist in capacity renewal with the relevant local organisation (and interest group) in their particular policy domain. As the community's capacity recovers, it may become appropriate to merge organisations into a multi-purpose community Council.

The difference in effectiveness between community-based and regionally based organisations is more difficult to determine. Warburton has both and operates more effectively than the other two communities, but for a variety of reasons. For historical reasons Warburton is more united socially, it comprises mainly one cultural group, and it employs very efficient staff. The Balgo experiment should be monitored to see if regional organisations give an efficiency increment in service delivery to small, non-viable (in strictly financial terms) communities.

3.4 COMMUNITY-CENTRAL ISSUES OF CAPACITY BUILDING

Governments measure performance in terms of outputs. Agencies require outcomes from their programs. Communities seek and have an even more vital interest in both. The wellbeing of their residents depends on successful inputs into their communities.

Within the terms of reference of this project, the factors involved in the viability of programs and the success of their outcomes can be considered to include:

- the realisation of policy through agencies' budgetary processes and service delivery outputs matching the needs and singular characteristics of Aboriginal communities;
- the design of programs intended to target Aboriginal communities in whole or part that are appropriate to Aboriginal characteristics and needs;
- the allocation of program funding being sufficient for implementing the policy and guidelines and administrative requirements of programs and for meeting the analysed need and planned outcomes; and,
- the effective planning of the application in each community of the recurrent programs and of projects implemented under non-recurrent allocations of program funds.

There are standard principles and practices applied on a daily basis to each of these factors. This project addresses only those deemed to be significantly related to capacity building for improved management and administration of Aboriginal communities.

Aboriginal structures for decision-making and program management and implementation

The development of these three Aboriginal communities has been derived from the people's connection with their land. Wirrimanu represents the bringing together of various groups of Aboriginal people into what was initially a mission station. The different groups resident there have country that is adjacent and cultures that are similar. But there are conflicts between these groups, mostly over resource allocation. Warburton brought people together who were in the main of one language group, as did Jigalong, though in the latter case there is a history of minor inter-clan disagreements. The issues of organisational structures that best fit these socio-political factors have been discussed above. The only addition we would make here is that – in policy areas where there is a degree of subject fit (such as matters which involve land management) – it may be appropriate to involve the community elders in some systematic manner.

There is one further issue with regard to Aboriginal participation in mainstream representative institutions. That is the restrictiveness of the current Commonwealth *Aboriginal Councils and Associations Act*. This needs to be amended to allow for different bases of elected governing body representation. Family or clan or other groups need to be allowed to nominate representatives if that is their wish. The common democratic form of individuals standing for election is not really appropriate for Aboriginal social values on these communities, at this point in time. These Aboriginal groups tend to eschew individual candidate elections, which they see as an adversarial contest that contradicts their focus upon group cohesion and consensus. We have made a recommendation in that regard (*Recommendation 2.3*).

Outstations

A rational basis to outstation development takes account of the history and existence of separate language and cultural groups. Recognising that groups often form outstations because they feel that they are unable to access resources in the 'parent' community (Gerritsen 1982b) is important, in order that outstations receive the resources they require. The outstation movement can lead to the establishment of viable communities that can work together for the mutual social, cultural and economic benefit of the totality of the Aboriginal community. There are instances of outstation developments in other regions where outstations developed from a mission based community in line with these principles have become viable and have demonstrated cooperation on a regional basis that engenders capacity building for improved management. Examples include Walungurru (Kintore) being established as an outstation for Pintubi people from the former mission settlement of Papunya, which is in Luritja country. Walungurru is now a sizeable community that participates in regional decision-making structures with Papunya and other Luritja and Western Arrente communities in the region that have had connection to Papunya in the past. Friendships, understanding, respect and intermarriage are factors in this dynamic.

In Wirrimanu's case, the development of the Yagga Yagga outstation, now a discrete community, represents a Kukatja based development. The closer Aboriginal family groups within Ngaanyatjarra people have been the basis for outstation development in the Ngaanyatjarra lands. Jigalong has seen some outstation development as people move away from the community for a variety of reasons, though there has also been a feature there of people moving to (politically) rival communities such as Strelley and Yandeyarra.

The outstation concept enhances equity *within* Aboriginal communities by enabling distinct, often relatively disadvantaged, groups to maintain their independence and access to resources within regionally based structures. In this manner they can access funding arrangements, including service agreements, and economic development agreements with shared social benefits. (This is not to suggest that the very common situation of people from different groups continuing to live together in communities should be ended. Ethnic separation is neither viable, not in line with best practice, nor recommended on financial grounds.)

Governance process

The Jigalong Community Incorporated (JCI) has a clear process for its consideration of matters of importance. Available community and government agency resources are used to provide information. The information is processed within the overall aims and structures and aspirations of Martu people in the community.

There is a deliberate process to then involve the older people of the community in the information examination and decision-making process. This process is referred to as involving the Council of Elders, which is seen as intrinsic to the structure of the JCI. Community meetings are held comparatively frequently, to encourage the participation of as many community members as possible in the same process. This appears to be best practice in terms of Aboriginal governance.

The Committee and community meetings have secondary and important effects. These forums are an arena for community level information exchange and decision-making. Not only is there greater identification with and ownership of what the community is doing and how it is doing it, these forums are also an opportunity for the political emergence of people who can ultimately take up positions of responsibility in the community's organisations and activities.

Community planning processes

Although control of the Wirrimanu community has been in the hands of the local people since 1985, recent community planning projects indicate the extent of land still controlled by the Catholic Church. This is reported as being in the process of being resolved, but remains an issue for the development and replacement of infrastructure.

Strategic and corporate planning has received much attention, particularly since the formation of ATSIC. The policies of the Western Australian government's agencies express a clear commitment to such planning.

However, conflict still remains in many cases when agency planning structures and requirements do not match the planning demands and requirements of Aboriginal communities.

Housing programs were consistently raised in this regard. Allegedly program managers typically arrived with integrated housing plans in place. These plans might in theory allow for their application in any individual community to be considered within the context of the overall community plans. In practice this often did not occur. The communities which were visited pointed to clear instances of their knowledge and work on housing development and preservation – regardless of how well planned it might have been – being totally ignored by housing project managers.

It has frequently been argued that representative organisations should have the capacity to place a moratorium on plans for implementation of projects in their community until the detail of such plans are thoroughly understood and agreed to by the general Aboriginal community. This is essential if community capacity building is to be regarded seriously.

Another area of frequent contention is the decision-making process defining the target of programs within a community. When program funds are available for a range of capital works, for example, there are persistent instances of a community's expressed priorities for funding of projects being ignored. This becomes a matter of capable executive management decision making having the power to be an effective part of the wider process. This power sharing is essential if Aboriginal communities are to develop their total management capacities.

Although this will not be popular with service delivery agencies, the AACC needs to consider mandating some formal, and if necessary prolonged, process of community consultation in agency planning procedures. If the AACC is serious about wanting to

build Aboriginal community capacity, it needs to make these communities more powerful in the processes whereby their services are planned.

Aboriginal involvement and executive/policy management

The effectiveness of elected executive policy management in Wirrimanu is severely limited. But these persons constantly face problems – even in Warburton, which is relatively well served by experienced Councillors, board members, etc – outside the ambit of their official duties. Executive/policy management in Aboriginal communities is very complex, even in an ideal situation. That is because the separation between a person's official role (duty) and their social context is not accepted in Aboriginal society (as we discuss in *Appendix B*). These complexities arise from, without being limited to:

- catering to different cultural and family groups;
- the clash between rationalist management structures and (from a management perspective) the tortuously slow traditional decision-making processes;
- the linguistic difficulties involved in gaining the information necessary for informed decision-making;
- the social and cultural obligations that ignore the temporal demands upon program management; and,
- the prioritisation of tasks and responsibilities in communities that expect more than government can/will deliver.

Executive management difficulties are also exacerbated by sub-standard living conditions, chronic health problems, educational disadvantage, inadequate funding for the capital and recurrent needs of both infrastructure and service delivery projects and poor quality support staff, all of which dog Wirrimanu.

However, official reservations about the desire of local Aboriginal people to accept responsibility for the affairs of their community over a prolonged period, combined with the non-recognition of the need for consistent support for Aboriginal people to acquire the capacity for executive management skills, prevents these difficulties being accommodated and overcome. This certainly appears to be the case in Wirrimanu.

It is neither feasible nor effective for the role of providing on-going executive management training and support to be assigned to the organisation's employed manager or adviser, as this position is usually already impossibly overburdened with duties and role expectations.

Appropriate and effective executive training and support on a consistent and adequate basis has been examined in recent times. The principal problem is that there is no agency accountable for this necessary component of capacity building. Some State and Local government agencies and some non-government bodies allocate funds on an occasional basis. The Western Australian Municipal Association conducts training, but not specifically for Aboriginal Councillors. Systematic and on-going training is required, however, given the demands upon the executive management skills required

in any community. A project that provides consistent executive management training (ATSIC's proposed Board Members training package is one obvious source of curriculum materials), on site, within the structures and processes of communities, and is developed by them in line with documented theory and practice for such training can be resourced by an appropriate agency. The training expertise does not need to reside within the resourcing agency that has responsibility for its provision.

Operational management

The three communities visited also provide contrasts in their operational management. It appears that where the elected executive managers are performing well, there tends to be better operational management. Of course the Warburton community has the advantage of 'owning' a Shire; so it has access to a pool of expertise emanating from the Local government sector.

This latter point indicates that some more systematic approach needs to be made to recruiting professional administrators to Aboriginal community organisations. We return to this point below (*sub-section 3.6*).

The administration of the governing community organisation is required to deal with a wide range of functions, many of which remain unrecognised by the funding agencies.

One aspect of executive training is the understanding of the Westminster-derived need for separation between executive and operational management (commonly expressed by the separation between policy making and policy implementation). The protocols for ensuring that one does not interfere with the effectiveness of the other – let alone intrude on its province – are difficult for Aboriginal people to understand and accept. While it is sometimes stated that this concept is particularly difficult to grasp for Aboriginal people, because of their integrated worldview, there are an equal number of other observers with successful records in both executive and operational management in community organisations that do not support this assumption.

Living conditions – infrastructure and services

Despite the careful planning of and considerable resources allocated to improving living conditions in Aboriginal communities, the continuing poor conditions in which people live have a destabilising effect on their capacities for sound management and thus on management itself. Having to deal with frequent crises – of accommodation, physical well-being, social disruption, safety, finance, compliance with government administrative procedures and chronic ill-health – on a daily basis exacerbates the normal difficulties of executive management and participation in the affairs of the community. These are serious impediments to managerial and policy-making capacity. (Exhortations to Aboriginal people to pull themselves up by the bootstraps are rendered meaningless when there are no boots.)

Cultural awareness

Consultations with representatives of community organisations and agency staff revealed a range of difficulties experienced in transactions between the two groups. Mostly this resulted from difficulties in the understanding of each group's perspective by the other.

Aboriginal people's understanding of the process of government and the structures and procedures followed by agencies varies greatly. Developing this understanding is a specific task that usually falls to the community administrator. Recognition of the need for cultural awareness can enable it to be addressed, perhaps as part of on-going management training, as discussed elsewhere in this Report. Conversely, there is considerable variation in agency personnel understandings of Aboriginal perspectives on management and administration of programs in their communities. Aborigines have attitudes to these processes that largely derive from Aboriginal cultural tradition and customary practices as well as their own learned history (see *sub-section 2.2* and *Appendix B*).

Some agencies have cultural awareness and/or cross cultural training programs for their staff. It is highly recommended that agencies prioritise such training for all categories of staff that are involved with the design, management, administration and delivery of programs in Aboriginal communities. Such training and awareness programs can help to overcome the sometime unreasonable expectations – from each partner in the service delivery system – that one party is required to jettison their obligations and conduct business solely in terms of the other's requirements.

Overcoming these difficulties is achievable with a small investment in consistent programs. Improved cultural awareness by government agents is a positive factor in building the capacity for efficient management of and improved outcomes from programs in Aboriginal communities. And it is also a factor that will assist agencies in securing more efficient interactions with Aboriginal community bodies. Ultimately such awareness enhances community managerial capacity. Otherwise the situation arises where the community's management feels that it is caught between the demands of agencies and their community. When this situation arises, alienation and apathy within the community leadership results.

3.5 EXTERNALLY DERIVED ISSUES OF CAPACITY BUILDING FOR IMPROVED MANAGEMENT

When Aboriginal identification with service delivery programs and ownership of their outcomes is achieved, the sustainability and quality of outcomes are augmented. This point connects to items in the following sub-sections that deal with factors arising external to the community.

These matters include adequate funding levels, education /training and employment, as well as acceptance of Aboriginal structures and processes and policy accountability, or what we would include under the rubric of consultation. Agencies' commitment to these and other capacity-building factors is evidenced not only by their participation in this process, but in incorporating them into policy – from the highest level to its application through their programs at the regional and local level. This will enhance the capacity building at the community level that is the focus of this project.

We have dealt with funding issues elsewhere; for now we will just add some remarks about consultation and education and training.

Consultation

Every consultant's report into service delivery repeats the mantra that more consultation is needed. We have not disappointed in that regard. Instead of repeating the obvious, in this section we wish to examine the complexities of the consultation process.

The consultation process is inevitably political. There is the ever-present tension between community expectations and the requirements of consultation. Aboriginal communities invariably require or expect more than they are to receive. Consequently a degree of misunderstanding is almost inevitable. The community frequently view the consultation process as concerning the level or amount of the service, little realising that that parameter is set in Perth or Canberra and is already a given of the process.

The consultation process is frequently caught up in domestic community politics. Newly elected executive managers often blame a (previous) lack of consultation for issues with which the community is dissatisfied. Their opponents can be expected to claim that the community (ie themselves) was not consulted about some program or other.

Education and training for community capacity

Education and training at various levels are the most immediately crucial component of community capacity-building. A lack of information and expertise at the community level is one of the greatest impediments to community capacity-building. There are three issues that now need to be addressed: the content of the training; the nomination of the providers; and, the funding provider.

1: *What training?*

Education and training is required at four different levels:

- The executive policy management level. Here training is required in the general area of 'civics'. That is information about the roles and responsibilities of elected members; the nature of strategic planning and decision-making; the design and intent of government programs; etc.
- The organisational staff level. Here training would be more specialist, perhaps accounting and management processes as well as more detailed exercises in submission writing and statutory reporting; developing strategic plans; resource management etc.
- Within the schools and post-school sectors. Here there is a need to develop curricula that go beyond the '3 Rs' to include vocational and lifeskills training.
- Adult literacy training. We have noted above that lack of information and a reluctance to participate are problems for the development of social capital on Aboriginal communities. A lack of general literacy is one of the reasons for this phenomenon.

2: *Who does it?*

Again, this is an issue of selecting the appropriate vehicle for the task.

- Executive management training could be done by adapting existing Local government training arrangements to the Aboriginal community situation (and perhaps using WAMA's providers). There are a variety of materials available, such as videos and other written material that could be adapted to this task. The training program being developed by ATSIC (Board Members of Aboriginal and Torres Strait Islander Organisations Training Package) will be an important and perhaps fundamental contribution to executive management training.
- Organisational staff training would have to be carried out by agency officers and subject specialists depending upon the needs of the paid staff on the community. Such training should be a standard component of each service delivery program.
- School level training can be organised and delivered by the Western Australian Education Department, in conjunction with relevant VET providers. The Education Department is probably the best vehicle for organising adult literacy programs on Aboriginal communities because they already have the facilities (and sometimes the expertise) on site. It is possible that some NGOs may be interested in providing such training.

3: *How is it funded?*

- Executive and staff training should be funded out of a marginal component of the budget for each program delivered to each community. We include this in our Wirrimanu Pilot Project proposal (*sub-section 4.1*).
- School level and adult literacy training would have to be funded out of the Education Department budget, unless an NGO could be persuaded to assume the latter burden.

We would recommend that the WA Department of Training be commissioned to develop the education and training package that we here recommend. We outlined (*sub-section 2.5*) a range of materials that could be adapted to the particular situation of Western Australian Aboriginal communities. WADOT would also be the best vehicle for ensuring that such a package (in particular the program funding aspects) was delivered on a permanent, rather than a one-off basis.

There are also issues here – eg truancy and non-completion of schooling, the lack of post-schooling employment - that are related to education but are not controlled by the education providers. The general community is ultimately responsible for some of these problems (though not that of employment), which reveal poor community capacity.

3.6 LONG TERM ISSUES

We consider three issues to warrant long-term consideration. These are community development, land matters, and the relationship between these communities and Local government.

Community development

A range of agencies contributes to the development of Aboriginal communities. Regardless of how ‘community development’ is defined and conducted, some agencies and community representatives have made the point, that there is no agency specifically responsible for that function. Some agencies may have it within their charter to promote, fund and otherwise be involved in community development, but no one agency is ultimately responsible for it in the holistic sense. Alternatively a specialist community development unit within an existing agency – AAD, Local Government, and Commerce & Trade would be possibilities within the State government – could be established and be recognised as the lead agency in coordinating service delivery to Aboriginal communities. ATSIC would be the obvious Commonwealth candidate for that lead agency role.

The AACC needs to consider this matter and the organisational alternatives that arise and make some recommendations to Cabinet. Ultimately the choice of agency and the mode of its operation is a decision to be made by the State Cabinet. This matter is singled out because community development is self evidently a community driven process. However, while communities are ultimately responsible

for their own development, it is relevant to reiterate that there is no external agency supporting and accountable for that community development.

Resourcing this responsibility would be part of a restructuring of the roles of agencies that deliver services to Aboriginal communities, as well as a rearrangement of the associated funding commitments. This restructuring is related to how ultimate responsibility for the management and administration of agency programs is defined. Adoption by all involved agencies of a measure of financial responsibility for management and administration of their programs and projects may allow a requisite measure of funds being currently used for this purpose to be diverted to a community development function within one agency.

The community development task is performed at present by community administrators, albeit in an inconsistent manner, and with variable results depending on the community's capacity for this task, the time available after conducting their other managerial and administrative roles and duties, as well as the administrator's abilities and inclinations. Sometimes the pressures are such that community development is absorbed into the overall planning processes, without the necessary follow up work. Indeed it could be argued that some administrators have a vested interest in maintaining the community's dependency upon them and so ignore this important element of capacity building.

Agencies such as AAD, ATSIC, Local Government or others may legitimately be financially responsible for an expanded number of hours in the community staffing profile, with a concomitant redefining of roles and responsibilities to better match the realities of these positions.

Those communities that have structures and management practices in place that produce less disrupted and more efficient operations may be more conducive to a trial or pilot project for having a community development specification in their staffing profile. Such a pilot initiative appears fully compatible with objectives of ACSIP and could be considered for inclusion in projects under that program.

Another matter that requires attention is the managerial staffing of Aboriginal community organisations. Apart from the difficulties of securing good staff in such remote locations, Aboriginal policy executives are not always in the position to make wise judgements about the relative merits of candidates for management positions in their organisations. They need assistance in this regard. In conjunction with Aboriginal communities the AAD should investigate the possibility of developing a central staffing function that would assist in the recruitment of appropriately qualified staff to these communities' organisations. The processes of staff recruitment in the Local government sector provide a useful model.

It has also been suggested to us that the Commonwealth Registrar of Aboriginal Associations may provide resources to assist in capacity building within Aboriginal communities. In other words, that the Office of the Registrar would change its role

from regulator and supervisor of the management of Indigenous Associations to one of mentor to these Associations. There are obstacles to such an activist expansion of the role of the Registrar. Firstly, the Registrar is resistant to the notion of such a role expansion into service delivery management training, claiming that the financial resources are not available for such a role expansion. Secondly, all of Western Australia is incorporated under the *Local Government Act 1995*. Consequently, the current *Association's Act* prevents the Registrar from supporting the creation of Aboriginal Councils as these would conflict with the jurisdictions of current Local governments. We are pessimistic about the possibility of reversing this situation.

Land

The status of land title is in a period of transition in Western Australia, from ALT lease to lease held by an Aboriginal-controlled entity. Native title claims are also of concern to the three communities, and many others throughout Western Australia. The structures, management and administrative arrangements that may emerge from native title will need to accommodate the independence of each community and the different groups that reside in them. Facilitation of the negotiations over these matters is required, if for no other reason than to ensure that the parties involved are aware of the needs and aspirations of the communities, the rights of native title parties, and the plans and program requirements of government agencies.

It is not within the scope of this project to attempt to predict the nature, coverage and functions of regional structures that may emerge from native title matters over the longer term. It is necessary to note that possible future prescribed bodies corporate may be deemed by communities within a region to act on their behalf (within their powers) in such matters as service agreements and delivery. These native title matters may also impact on the consideration by Jigalong and Wirrimanu of the nature of their involvement with Local government. They will also have an effect upon regional structures and arrangements for service delivery, including the Kutjungka Plan.

The relationship with Local government

The Ngaanyatjarra have their own Shire, so the comments in this sub-section are not germane to them.

However, both Jigalong and Wirrimanu are communities embedded in mainstream Shire Councils, East Pilbara Shire and Halls Creek Shire respectively. A decade ago a study (for the Royal Commission Into Aboriginal Deaths in Custody) of the relationship between Aboriginal communities of various types and the Local Government Authorities of which they were constituents concluded that relationship was very poor (Gerritsen 1990). The attitudes of Aboriginal communities towards Local government were mistrustful and resentful, and the Shires regarded the Aboriginal communities within their boundaries with a mixture of hostility and exasperation. In the decade that has just passed that relationship has improved to a substantial degree. Informed and moderate leaders on both sides now better appreciate the difficulties faced by the other party to the relationship.

Nevertheless, the basic structural reasons for past differences remain. The Shires of outback Australia, and these two Shires in particular, are extremely resource-constrained. Financially they are overwhelmingly dependent upon Commonwealth general-purpose assistance, their FAGs allocation. The Shire of Halls Creek only raises about 12–14 per cent of its revenue from property rates and user charges. East Pilbara does only slightly better.

Yet these Shires operate in a situation where a range of factors, mostly beyond their control, constantly expand their policy domain irrespective of the resources they can muster. Because Commonwealth FAG grants to the States have decreased by 50 per cent (in real terms) since 1985, the States have faced growing shortages of revenue. Their response has been to privatise assets, look to private sector provision of infrastructure, and to increase their own user-charges. The States also have increasingly resorted to regulatory means of imposing policy rather than direct service provision, especially in the area of environmental monitoring and management. The latter State stratagem means in practice that Local government finds itself, the implementing agency of these new policies. This is usually without the compensating revenues for such duties. The recently amended *Animal Act* is a case in point. Councils had their duties over domestic pets and companion animals widened without any compensatory ability to raise extra revenue.

In addition the demands of their own electorates constantly require Local governments to expand their functions. An example is Local government's expenditures on public order and safety; Western Australian Local government now expends \$18.35 per capita on this function (as against less than three dollars a decade ago), an amount exceeded only in New South Wales (NOLG 1999). Western Australian Local government spends \$105.67 per capita on sport and recreation – an especially necessary function in remote localities where there are few opportunities for organised recreation. The next greatest State expenditure in this area is Tasmania's outlay of only \$79.95 per capita. So Western Australian Local government is in difficult financial circumstances, and nowhere more so than in the Shires of East Pilbara and Halls Creek.

In consequence, these Shires are forced to prioritise their expenditures. Unfortunately, in this process Aboriginal interests – particularly because they are not strongly represented on Council and partly because of past (and on-going) disputes over rate defaulting – are often not accorded the priority that Aboriginal communities would expect. The result fuels the continuing mistrust between Aboriginal communities and their Shires. That is why we recommended restructuring the relationship between the Shires and their Aboriginal communities (see *sub-section 2.4*). The Aboriginal communities claim that the Shires do not spend FAGs money on the communities – the FAGs money the Shires get in consequence of the disability functions that these communities generate. In response the Shires point to the extremely dispersed nature of Aboriginal communities, especially the outstations, as creating impossible service demands. The Shires also see the seemingly resource-rich Commonwealth, via ATSIC, as having the major responsibility for Aboriginal municipal services, particularly to smaller communities, and even for access roads to Aboriginal communities.

Aboriginal apathy towards or even hostility to Local government means that few Aborigines stand and even fewer are elected to Local government. So the vicious circle continues, notwithstanding efforts on both sides to improve matters. This raises the opportunity to consider alternative forms of Local government or different mechanisms to ensure Aboriginal participation in this increasingly important tier of government (cf *Figure 4* above).

There is also an intergovernmental dimension to this issue. The problem is that Shires are only obliged to provide municipal type services to those places that are designated settlements by the Western Australian government. Outstations are a Commonwealth government (viz ATSIC) responsibility. But ATSIC claims that many communities have developed beyond the outstation model and are really settlements and should be designated as such. We note this dispute as complicating the relationship between Local government and Aboriginal communities. Hopefully the recent Agreement between the Commonwealth/ATSIC and the Western Australian government provides a long-term solution to this dilemma.

In developing options for improving the involvement of the Wirrimanu community and the Martu of Jigalong in Local government – in a manner that suits their social and cultural priorities and promotes improved living conditions – consideration needs to be given to singular Aboriginal needs such as cultural activities that have to be maintained and promoted. There is also a need for the recognition of the particular social factors that impact on service delivery programs for Aboriginal communities. This covers such items as levels of education, health, employment, social relationships between people in different Aboriginal communities and nearby towns, etc.

There are several Martu communities in the Pilbara region. Similarly there are discrete linguistic groups in the Wirrimanu community. Their cultural connection to land and to each other can be promoted in the structures that are considered for Aboriginal participation in Local government. Aborigines are seeking to have a coordinated voice at this level. They regard it as an issue of effective resourcing of Local government functions in Aboriginal communities and as a way of developing their capacity to take greater responsibility for their own affairs. They are also aware of the regional interaction of native title with aspects of community economic, social and cultural reinforcement and development.

This situation, we consider, leads to two options. These alternatives have to be considered within the context of frequent comments throughout this Report about the requirement for and benefit of involving Aboriginal communities in processes such as considering these options and ultimately their ownership of the outcomes. The options are:

- a redefinition of the manner in which these two Aboriginal communities participate in their Local governments; and/or
- a more comprehensive investigation that would look at the total range of options available in enhancing Aboriginal usage of Local government.

1. Reshaping Aboriginal involvement in Halls Creek and East Pilbara Shires

There are several immediate options that could be considered here. One is to make these communities a separate ward of the current Councils, thereby ensuring at least greater Aboriginal representation on Council. Where it is felt that this would not secure adequate representation at the elected member level of all the interests in the Aboriginal communities, then some formal advisory mechanism, which would include all these interests, could be developed, along the lines we proposed in *sub-section 2.4*. An alternative, probably more practical for Jigalong than Wirrimanu (though undoubtedly inefficient for both), would be to excise these areas from the current Shires and create separate Shires, in the way that Ngaanjatjarra was excised from Wiluna some years ago. This is essentially a political issue and we make no recommendation about it.

2. A major investigation

Another option would be for the Western Australian government to commission a study by a third party acceptable to both Local government and Aboriginal interests.

This study should take account of and report upon the potential range of Local government structures – existing or which may need to be developed – that are suited to the community and regional Aboriginal issues and compatible with the statutory and community organisations that deal with these (social, cultural, environmental, economic and legal) issues.

There are particular items that could be included in any redefinition of Aboriginal participation in Local government and that require particular attention. These include:

- the status of land ownership and title including native title;
- the structures and representative systems of Local government that may best approximate Aboriginal preferences; and,
- agreements about the basis for and amount of payments by Aboriginal communities relevant to their involvement in Local government.

While there are great differences between different Aboriginal groups, there may be some value in systematically examining the relationships of other Aboriginal groups with local government. Halls Creek Shire would merit inclusion in such a study. Information gathered from Shires and Aboriginal groups may assist in improving the nature of Aboriginal participation in or the development of a rationale for new forms of Local government. The Northern Territory's model of Community Governments would be relevant to this inquiry, especially the changes towards a new form of Aboriginal Regional Councils, the so-called 'Miwatj' model (this is about to be piloted in the Tiwi Islands).

As mentioned above, this study should include plans for how to develop a service delivery agreement process between the Western Australian Government and with other agencies (ATSIC, Commonwealth authorities, Western Australian Departments and agencies that deliver services such as Education, Health, Roads, essential services etc, and others) about their continued dealings with these Aboriginal communities, irrespective of any Local government involvement. This could examine models being attempted elsewhere, such as the Murdi Paaki Regional Council of ATSIC in western New South Wales process of regional agreements with service agencies.

4.0 CONCLUSIONS

If this Report is not to be quietly shelved, then it is incumbent upon us to suggest the next step forward. This section proposes an immediate, interim, step towards that objective. It also restates some of the major conclusions we have drawn as a result of this reporting process.

4.1 AN IMPLEMENTATION FRAMEWORK

If this capacity building project is to produce other than piecemeal implementation, then a pilot project should be started in as comprehensive a manner as possible. We make some suggestions as to how this could be achieved, possibly by using Wirrimanu for the pilot community. The detail of our model Wirrimanu Pilot Project follows. It is only a bare sketch because many of the actions we recommend will require changes to budgets, program design and the operation of service delivery agents.

The Proposed Wirrimanu Service Delivery Pilot Project

We propose actions under six headings.

1: STRUCTURE

The Wirrimanu Pilot Project should be run by a Coordinating Committee comprising all the agencies of the Commonwealth, State and Local governments involved in service delivery. It should also include a representative group of members from the elected policy executives of the Wirrimanu community.

2: IDENTIFY A LEAD AGENCY

Once the Coordinating Committee is established, a lead agency should be identified. This agency would supply executive support to the Coordinating Committee as well as the general management of the pilot project.

3: REPORTS TO A COORDINATING COMMITTEE

Under the supervision of the lead agency each participating agency should provide regular reports to the Coordinating Committee. These reports should include:

- Actions taken and plans made for their service delivery to Wirrimanu. This reporting should include budgets specified to outlays on that community.
- The processes of consultation undertaken with the Wirrimanu community in both planning and service delivery.

- The training and capacity building elements of the agency's program delivery.
- The process of coordination with other agencies that are part of the pilot project.
- Any regional or other service agreements struck with the Wirrimanu community.
- Any local Aboriginal employment created through their activities.

4: BUDGET IMPLICATIONS

All the participating agencies should develop budgets that explicitly identify their expenditure on the Wirrimanu community. These agencies should extract from these service delivery budgets a sum calculated to cover the costs of training, consultation and coordination and coordination activities, as well as an increment to support the role of the lead agency. To achieve the best economies of scale, for example in training, these monies should be pooled and separately administered by the lead agency. The Halls Creek Shire should also do this by separately outlining such outlays in its annual budgets and operational plans.

5: ROLES

The lead agency should commission an agency (eg WADOT?) to produce and deliver a comprehensive capacity building training program covering the entire gamut of service delivery as well as a whole-of-community education and training program.

The other participating agencies could perhaps operate under two sub-committees of the Coordinating Committee: an infrastructure delivery sub-committee and a 'social' (ie health, law and order, education, etc) service delivery sub-committee. These sub-committees should be responsible to the Coordinating Committee, through the lead agency, for the coordination of their activities.

6: PLANNING AND CAPACITY BUILDING

The Wirrimanu community's representatives should be included in the sub-committees as well as on the Coordinating Committee. They should be adequately represented in any activities that are geared to the forward planning of services for the community.

The conduct of the Wirrimanu Service Delivery Pilot Project will at minimum identify the most serious impediments to implementation of most of the short and medium term recommendations advanced in this Report.

4.2 SUMMARY

Most of this Report reiterates oft-repeated observations about the difficulties of service delivery at the community level. So we have supported predictable initiatives such as improved interagency coordination, better incorporation of communities in planning processes, cross-cultural awareness training, and training for administrators and policy makers on Aboriginal communities. None of this is exceptional.

What is different in our Report is that we do not criticise these failures from the rationalist management perspective. For example, we do not disparage the failure of interagency coordination only because it reduces the overall efficiency with which governmental agencies operate and deliver services. In short the conventional managerialist 'overlap and duplication' equals inefficiency argument. Instead we criticise the failure of inter-agency coordination because of its effect upon Aboriginal communities. Poor coordination inhibits the ability of Aboriginal leaders, administrators and communities to understand the nature of their tasks and to develop whole-of-community development perspectives. In short poor governmental coordination creates further difficulties in the process of community capacity-building.

Similarly, a lack of cross-cultural awareness may not prevent a government official from implementing a program to the satisfaction of his/her supervisor. But it certainly may prevent the community at large from understanding the purpose of that activity let alone participate in its planning. Or how that activity/program fits into the grand scheme of things at both the agency and intergovernmental levels. That failure of understanding by itself does not prevent successful implementation. But it does weaken the capacity of the community to accept and deal with change successfully. And ultimately it also perpetuates a dependency that has to be removed if Aboriginal communities are to advance to real self-management.

Another area where we have departed from the orthodox and expected is in our analysis of the relationship between the total management capacity and the nature of the community itself. That is what we would label here as the 'political'.

Some of these political issues are well known to public servants in the agencies that comprise the membership of the AACC. The internecine maneuverings of Aboriginal community politics are familiar to most experienced governmental personnel in the agencies that deal with such communities. They are the unspoken, profane element of service delivery to such communities. What we seek to do here is to articulate these issues in order that service agents can understand that such politics is inevitably part of the capacity equation. We use Warburton as an example, where the Aboriginal community has developed mechanisms for incorporating and internally resolving the distributional conflicts that often bedevil Aboriginal communities. In 'whitefella' society that would be called good governance. Communities with poor capacity to resolve such distributional issues are communities with poor capacity to advance themselves.

APPENDIX A: THE CASE STUDIES

These three case studies are included to provide background to the consultants' observations and the conclusions (see *Section 4*) and project recommendations. The case studies are discursive rather than systematic, mainly because of time constraints for the fieldwork visits, which were disrupted by the effects of the wet season.

A.1.1. JIGALONG

The field visit to Jigalong was conducted between the 15th and 22nd of March.

Description

The Jigalong settlement lies about 180 kms south west of Mt Newman, the nearest serviced town. There is a dirt road to Mt Newman, which is mostly in a fair condition, though it is easily affected by rain. So the community is occasionally isolated. The population of Jigalong is usually about 350, varying with movement for social, climatic and cultural reasons. Jigalong is in the Shire of East Pilbara, at 378,533 sq kms the largest Local Government Authority in Australia. The community is a constituent of the Western Desert Regional Council of ATSIC. In native title matters the Western Desert Puntakumapama Aboriginal Corporation currently represents it, but it will soon have a new Native Title Representative Body (due to be announced by the Minister in June).

Reflecting its median status in our schema of the three communities' levels of capacity, Jigalong's facilities are rudimentary. There is the Council offices, with a whitefella manager, a community store (in which some community members are employed) and a women's centre which is currently closed. The community has some recreational facilities – a basketball court and a football oval – but these are at present in a dilapidated condition. The community also operates a power station.

History of the Jigalong community

Jigalong is part of Martu (sometimes transcribed as Mardu, or in full Mardudjara) country in the central part of the Pilbara region. They are known as Western Desert people. Historically there have been a number of specific events that have led to movement of groups of Martu. This movement has generally been within the broad boundaries of Martu country.

Cattlemen over-landing stock along the Canning stock route provided the first contact with non-Aboriginal people for many Martu. Early pastoral development followed a

path between waterholes along the stock route. Local Aboriginal people provided the overlanders with information about the location of the waterholes. But the contact was of such a nature that some groups of Martu considered it prudent to move away from the areas they had always inhabited. Salt was put in food provided to them so they could be followed to the waterholes. People camping at one waterhole were shot when the next waterholes along the route were determined. As a consequence, the Martu people moved to areas east of the stock route, presumably in accord with traditional relationships. The construction of the rabbit proof fence resulted in Martu being forced to move from traditional areas. Some went or were taken to the new mission station at Jigalong.

There was a period during the early 1940s when people who had come or been brought in to Jigalong found themselves living in very restricted conditions. The men were obliged to work on the pastoral stations, only being allowed to visit Jigalong during law season (the time each year when traditional ceremonial and other events were held) or for brief periods at other times, and then only with official permission. If people overstayed, the missionaries would contact the police, who would force the Martu to return to the stations. This often meant walking or traveling on the mail truck to Meekatharra and waiting there under the control of the Native Welfare Department.

No recognition has been given in most of the literature to the knowledge, understanding and skills the Martu developed and used in the pastoral industry in this region during this time. These activities included construction of houses and other buildings, establishing, maintaining and operating other infrastructure such as fences, bores and yards. This work was done in very poor, some Martu say near-slave, conditions. People who later wished to work on stations in more humane conditions were not able to obtain the necessary written references from their previous work despite their capacity as skilled workers in the industry.

A strike beginning in the late 1940s by Martu in reaction to the poor conditions also appears to have led to some movements by different groups. While this seems to have been a significant event in what became a continuing history of taking steps to improve their quality of life, the strike by the Martu is reported by them to be largely unrecognised. A white man, Don McLeod, assisted the Martu in attempting to have their voices heard and needs met at this time.

In the early 1950s, after the prolonged strike, some Martu moved back to Jigalong while others remained further out, attempting to continue their efforts to gain work on the stations under reasonable conditions.

The atomic testing at the Monte Bello Islands during the early fifties forced a further migration of Martu away from the test area, again to the east. A long and severe drought soon after this time was also a contributing factor to the further movement of people, including gathering concentration of people at Jigalong, which had maintained its missionary presence and was under government control.

The referendum of 1967 appears to have instigated official recognition of the need to give some formal status to the presence of the Martu people at Jigalong. It is reported that the community was first given some form of such recognition and control of their

community in 1974, through the establishment of an Aboriginal reserve under the Aboriginal Lands Trust (established by the *Aboriginal Affairs Planning Authority Act 1972*).

At this time (circa 1974–75) there was a significant meeting of Martu to respond, under traditional law, to the situation that had evolved. This involved some conflict between the clan that originally came to Jigalong with clans from further west who had arrived later (Tonkinson 1974). Martu elders sat as the Aboriginal owners and confirmed a number of matters in accordance with their law. Tonkinson referred to this issue (1978). One group split away from Jigalong and founded Yandeyarra settlement on what had previously been a cattle station.

Following the history and events described above, there was a need to clarify the places that each Martu group could hold under traditional custom. The broad area of Martu land in which the people of Jigalong had Martu rights and responsibilities was defined, as was the country of each constituent clan of the Martu. Some of today's Elders witnessed this consultation as younger people and still talk about it. The deep knowledge of country and determination to observe traditional law and practices continues.

It was recognised officially that people from other parts of Martu country who had been living in Jigalong since the mid-1950s, and in some cases intermarried, could properly live there. This was seen both as a response to the events of 1974 and as a progression in the Mardudjara's history, to develop Jigalong as a place to live permanently. It was very clearly understood that the Elders considered that Martu identity would be lost by any further migration to the towns. The clear commitment was to maintaining and strengthening their people's identity, in part through taking the opportunity to learn how to work with the government.

This strategy was seen then, and continues to be seen, as a means to improving the Martu people's living conditions (including health which was identified as a particular need even in those days) by harnessing mainstream governmental planning and service delivery processes.

The desire to obtain decent living conditions and, more generally, to have their voices heard and needs met has been a consistent theme since the first contact of Martu with non-Aboriginal people. It had been evident during the station days when they worked in the pastoral industry, during the strike of 1947–52, and in their decision to return to and then remain in Jigalong. The Martu had a clear focus – to build a viable community that could provide the same living conditions and services available to people living in 'whitefella' towns.

Jigalong first became a place where Martu from different localities lived in the 1940's. The Mission appears to have been contracted by the Western Australian Government at this time to provide basic services from this centre. In 1974 responsibility for Jigalong under the Aboriginal Lands Trust passed from the missionaries to the Martu people, who were given a Local Advisory Council form of governance. Until the mid-1980s the missionaries maintained considerable influence in the decisions of that

Council. This ended in 1985, when Jigalong Community Inc. was incorporated and the JCI now maintain a degree of autonomy from outside influences.

A.1.2. WARBURTON

The field visit to Warburton was conducted between the 7th and 14th of March.

Description

Warburton is a community of about 500 people is situated in the central part of the Western Desert, about 250 km west of Wingellina, which is proximate to the South Australian–Western Australian–Northern Territory joint border point. It is serviced from Kalgoorlie, Perth and Alice Springs, to which Ngaanyatjarra Air, owned by the local communities, provides frequent and reliable links. The very long distances by road to the population centres is thus alleviated, to an extent. When the Ngaanyatjarra travel to get ‘whitefella’ goods, they are perhaps most likely to go to Alice Springs.

Warburton is the headquarters of the Ngaanyatjarraku Shire, the only Aboriginal-controlled Local Government Authority in Western Australia. The Shire area is 159,948 sq kms and has a total population of 1,500, many of these scattered about the ten other minor settlements and several other outstations in the Western Desert. About 500 people live at Warburton. The community has a formal organisation, the Warburton Community Inc (WCI), the Warburton Community’s incorporated organisation. The other larger Ngaanyatjarra settlements also have an incorporated local organisations council.

The people of Warburton and other communities also constitute the members of the Shire of Ngaanyatjarraku and the Ngaanyatjarra Council, which is a resource and native title agency. They have representation on the Western District ATSIC Regional Council. The community’s accounts are run from the office of Ngaanyatjarra Accounting and Transport Services, located in the Ngaanyatjarra Council building in Alice Springs. WCI’s arrangements with this service enable payment of all of its accounts to be made from that office.

The community’s facilities feature the WCI office, a school, health clinic, store, art and craft centre, swimming pool and some sporting facilities, airstrip with refuelling operation, power station, mechanical and civil works infrastructure. About a kilometre from the community is a community-owned roadhouse and accommodation block. This services traffic passing along the east-west route between Kalgoorlie and Alice Springs. A large art and cultural centre is being constructed adjacent to the roadhouse, for access by visitors.

History

The central figure of this description, ‘Joe’, is fictitious. The events of and influences upon his life provide an insight into the people of this region and the structures they have evolved for the management of their affairs in ways that they see as appropriate and viable.

Joe was born sometime in the early 1950s, in an area of land known as Tjukurla. Along with other members of his family, Joe spent his teenage years in the United Aboriginal Mission at Warburton. His friends and acquaintances at this time included people from the same tribe as himself, the Ngaanyatjarra people. They also included some Pintubi people from the locality known as Kiwirrkurr, north of Ngaanyatjarra country. The relationships formed in the mission days (in the local vernacular, 'around the dining room table' in the mission kitchen/dining hall) augmented those already existing through family and inherited Aboriginal custom.

Through the performance of traditional ceremonies and customs Joe has grown in his knowledge of Aboriginal law. The affiliations formed through the law further strengthened the connections between Joe and the group of people that live in Ngaanyatjarra country, or what is known more simply as 'the lands'. In the Ngaanyatjarra community he is considered an Elder.

Many friends and their families have returned from Warburton to outstations in their particular country in other parts of the Ngaanyatjarra lands. This return of people to their country has seen these outstations gradually develop into small communities.

These days Joe is a decision-maker. Living at the community of Warburton, Joe has four regular Committee and Council meetings each month. He is active in the Warburton Community Inc. (WCI), of which he is the past President and a current member of its governing Committee. The role of the WCI is to manage the affairs of the community. The administration of its services and programs is smoothly integrated with that of its CDEP. Joe is also the Vice-President of the Ngaanyatjarraku Shire Council, which has its office in Warburton, but a short distance away from the community. There may be anywhere between another four to fourteen occasions a month when he has Shire Council and WCI sub-committee business, special meetings, specific items of business requiring his approval or consideration and other calls on his time, resources, knowledge, understanding and skill, in his decision-making capacity. Joe is supported in these executive management tasks by staff, with whom he is generally happy. They know how to listen and seem to respect and understand the local people. He has known some of them for many years. Joe has spent a total of about five years on the Ngaanyatjarra Shire Council, as the representative of his community. He was a member of the ATSIC Regional Council for a year, but resigned because he wasn't comfortable making decisions about people who weren't from or in his country.

On most days of the week Joe calls in to the office, for one reason or another. It might be to check with the Community Development Employment Program (CDEP) Manager about an aspect of the project in which he works. The current project, which he supervises, aims to develop support for the appropriate participation of young adults in ceremonial traditional events. Joe's work on this project takes 20 hours each week, for which he earns \$160.

Joe has a good understanding of the work done by the employees of the WCI. To do what he has to do as a member of the governing body, he knows he needs to have

competent people working for his organisation. Joe considers that the people working there now do a good job. They talk with people in the community the right way. They know how to listen to what he and others are saying. They tell him about what government agencies are doing. Over the past decade or so Joe has developed a workable knowledge of agency programs that can meet some of those needs for buildings and services. He makes sure he understands what he and others have to know about and what they need to do, in order to get those programs happening in their communities, in ways that will work for them.

Their staff does all the paperwork that the government says has to be done. Joe has spent a lot of time for many years talking about budgets and programs. He knows how to check program acquittals that have to be sent back to the different agencies. Being able to trust the staff is important. He is not always happy with staff. Sometimes they don't tell him enough of what he needs to know. People in the Ngaanyatjarra country know how to make it clear when they need to know more. They talk about these things when they have their Committee and community meetings. The elected executives spend time in these meetings without any whitefellas present. They are able to sort out difficulties and have a good talk about what is happening.

Many of these Shire and WCI meetings are with people who come from Perth, Alice Springs or somewhere else. The visitors are people who work for the government, for mining companies, from other Aboriginal organisations, tourism people, and others. Ministers in the Western Australian and Commonwealth governments have been to Warburton. At the busy time of the year Joe probably spends about ten or twelve hours a week meeting with people visiting his community. The Ngaanyatjarra meet with some of these people with one or more staff present, others they meet with by themselves. Sometimes when they know that visitors know how to listen and talk the right way, and it is important, the Committee or Council representatives will ask them to speak to the whole community.

Some staff work is done by people who work in the Ngaanyatjarraku Council office in Alice Springs. All the paperwork needed for authorising and payment of accounts is done there. It is the same for all the Ngaanyatjarra communities. The community does not need to have a chequebook. Joe thinks this is a good thing, as people now plan ahead for what they need. There is no humbug from people who need money for something.

In any typical day in Joe's life he is advised – while he is in the WCI office for some other reason – of the meeting of the Ngaanyatjarra Council set for next week. The meeting will be held at the nearby community of Wingellina. He is also given a message that some of his family from Tjukurrla will be in Wingellina at that time. The staff of the WCI and the Shire is in frequent, seamless contact and information is relayed through them around the Ngaanyatjarra community lands.

Joe is on Ngaanyatjarra Shire's sub-committee that checks on tenders and decides on contracts issued. He knows that on this particular day he and two others have to meet with the Shire CEO to check the tenders and decide which tender to accept. The CEO shows them the tenders, outlines the costs and other conditions of each, checks that

they were received before the closing date, and gives them any other information for which they ask. Joe has learnt that it is not always best to accept the cheapest tender. Some tenderers might cost a little more, but are good at using local people to do some of the work. For this meeting, Joe takes one of his sons – his oldest bother's youngest son – with him to show him what happens. Joe put this man through the law and he is now on the Shire Council.

The older people from Warburton and the other communities are worried that some of the young people are getting into too much trouble with the police. Offenders being sent away to detention results in them not being around for ceremony time. If they aren't put through the law properly then this can cause problems. If the Ngaanyatjarra traditional law is maintained, then all this other whitefella business can happen without too many problems, provided that the funding is there and the staff do a good job.

It's also a worry that not enough children can get jobs after they finish in school. Some get good training and have jobs, but not enough of them. There is still some petrol sniffing, although not like it was ten or fifteen years ago. The communities work very hard to sort out this problem. Warburton has a special petrol-sniffing program and the CDEP is used to help with this program. The Ministry of Justice has one field worker, who comes out to the communities and helps with the kids, petrol sniffers usually, who have problems with the law. Sport is important for the young people. The Shire now has a Recreation Officer who helps with activities for the younger people. At regular intervals a football and softball carnival is held at each community. People from other settlements travel to each host settlement for the weekend. People enjoy playing and watching. It is a good time for catching up with family. (Sometimes there are a few problems, but Joe and other people from Warburton and the other communities help to sort these things out.)

Warburton has better houses and other infrastructure than previously. There is still a need for more housing. Roads are always a problem. The swimming pool is good for the community. It takes a lot of looking after, but especially the younger ones use it. The people managing the Roadhouse contract seem to do a good job. The Ngaanyatjarra are happy with them and the Roadhouse makes some money for the community. The only problem (perhaps just from the outsider's perspective) is that the community spends too much money buying fast food at the Roadhouse. Some community members worry about the health implications of this habit because of problems such as diabetes and heart conditions, which arise from the consequent obesity.

Some people are able to paint and do their art and craft work at the Art Centre. Some of their art is sold. There is an important project to develop a Ngaanyatjarra cultural centre which can keep important artwork that tells the Ngaanyatjarra stories. The community is happy that visitors will be able to spend time staying at the Roadhouse and finding out about their artwork.

Most of the skilled and professional staff employed by the WCI and the Shire are 'whitefellas'. Some of the young people are being trained so they can be employed in

some of these jobs. Sometimes they have to be away from the community, which makes it hard for them and their families.

Joe and other older people have to deal with some younger people who misbehave because they have been sniffing petrol. They have to worry about some of them being locked up in jail or on remand as far away as Perth. The petrol sniffing was a lot worse ten or fifteen years ago.

A.1.3. BALGO (WIRRIMANU)

The field visit to Balgo/Wirrimanu was conducted between the 10th and 21st of April.

Description of the Wirrimanu community

(Also known as Balgo and Balgo Hills)

Those who live outside of it refer to the Balgo region as the 'desert area'. In the surrounding Aboriginal communities it is known as the Kutjungka region. Unlike Warburton, the Balgo community of 350 people comprises more than one linguistic group. Many of Wirrimanu's residents connect south through the Kukatja language group, while Jaru people connect in a more northerly direction. Other smaller groups are present, such as Walmajarri, Gidja and some Ngnarriman from the Northern Territory.

Halls Creek is Wirrimanu's nearest service centre, 250 kms to its north along a dirt road. The township is within the Halls Creek Shire, which encompasses some 142,908 sq kms. Roads to other communities and to Halls Creek are usually impassable on a number of occasions during the year, typically in the January to April wet period. About 330 people live at Wirrimanu and its outstations, 189 being listed as children (the definition being unclear but indicated as less than 18 years). There are three other minor communities and a small number of outstations in this region. The neighbouring community of Yagga Yagga (100 people approx), 100 km away, began as an outstation of Wirrimanu. The Wirrimanu outstations are reportedly deficient in the infrastructure and resources (principally access to permanent water) required for people to live there. The health outcomes for Aboriginal people in this region are appalling (Wakerman, Tregenza & Warchivker 1999).

History

Pastoral leases are part of the history of this area. The disruption associated with the development of the nearby Canning stock route (including massacres such as at Sturt Creek) during the early years of the century; periodic drought decimating the cattle stations; as well as the establishment of missions in the late 1920s; meant that from the early 1930s there was a considerable migration of Aboriginal people from a large area around to pastoral stations and subsequently to missions in the region. Leprosy

was taking its toll of Aboriginal people at this time. In 1965 the mission was provided with the land where Wirrimanu is now situated and the community soon established.

A feature of Wirrimanu up until recently was that community-owned enterprises provided income for the community and a level of self-reliance. A small air service, a trucking venture and a service station are reported to have functioned viably until over-capitalisation, poor and/or questionable management practices, and other factors resulted in liquidation. The Community is still recovering organisationally from the traumatic collapse of these ventures, with their associated period of grant controllers, debt responsibilities, staffing problems and diminished essential services. Many people were without income for long periods until recently.

There are a small number of older people who have been involved in decision-making roles in the community's affairs for up to 15 years. However, in that time Balgo has had a checkered history. Stable and consistent management practices during this time have been isolated events. This has contributed to the lack of any cohesive approach to the development of the knowledge and skills required for executive management structures and functions. The fragility of the Balgo area's communities and their organisations predispose them to management crises from time to time. There is no history of dealing with emerging crises or coping with failures. It would be fair to characterise Wirrimanu as a community that exhibits a crisis of governance confidence.

Given the failures of the past the community is receptive to new models of governance. A project is now underway to examine and report on regionally based structures and procedures (the Kutjungka project). This will necessarily address appropriate executive management as an issue for the communities of the region. The current development of a regionally based, community controlled health service may provide a model for elements of regional structures and functions, which promote the consistent development of effective executive management and service delivery.

In recent months ATSIC – in liaison with the AAD – have supervised a majority of essential service agencies returning to full service delivery levels.

ATSIC provides funds for 2.5 full-time positions in the Community Association and two positions in the Art Centre. Centrelink funds 0.5 of a position in the Association. Clinic nurses and teachers are funded under the Health and Education budgets respectively. One person is employed in the repair and maintenance of buildings, this position being funded by the Ministry of Housing's Aboriginal Housing Board through its Management and Support Program (MSP) and the 'chuck-in' (the local colloquialism for rent). No local people occupy any of these positions.

There is a mixture of old and new housing, most of the latter being provided to alleviate housing shortages for staff of community and government agencies. Some of the approximately 50 community houses date back to the 1960's. These and other houses are in a poor state of repair, including those built a decade ago. A recent National Aboriginal Health Strategy (NAHS) report recommended building nine new dwellings and an upgrade for over 40 houses. More detailed work by the Management

Support Program indicates that an amount of several million dollars would be needed to provide housing capable of meeting the requirements of official minimum health standards. The community is very unhappy with the condition of their housing especially the housing recently constructed, which is clearly sub-standard.

The Mercy Community Health Service has provided health services on a regional basis. Transition to an independent or community controlled health service (Palyalatju Mapampa Health Service) on a similar regional basis has been agreed to and is in progress. The development of the PMHS has been prolonged. This may reflect the difficulty of the task required in supporting people to develop the skills and understanding required to participate in and identify with this process. Whilst it has been arduous, this process may provide a model for this community in how to develop the personal and collective capacities required to manage their affairs. This capacity is not currently evident.

The community has a school and an Adult Education centre, both part of the Western Australian Catholic Education office. The community has a Catholic Church, with a priest and one other worker. A system of back-to-back police patrols from Halls Creek, known locally as the Police Post, has replaced the previously less frequent or non-continuous patrols.

There are over 80 CDEP participants; some being employed as Aboriginal health workers and teacher aides, in the shop, and one in the Art Centre. An opinion was provided that while all government departments want to make use of CDEP, the lack of opportunity to progress to full-time employment breeds a lack of self-confidence. It has been stated that CDEP program administrators need to distinguish between remote and non-remote CDEPs when promoting CDEP based enterprises.

The Adult Education centre can play an incubator role for cottage industries. At present however this does not appear to be happening because of a lack of enterprise development, due at least in part to recent events described above. Halls Creek TAFE are developing plans for delivery of training to meet perceived needs, which are reportedly of a basic nature – that is literacy and numeracy.

There is, however, some social capital in the community. This is shown by a 'Meals on Wheels' Health and Community Care project and the fact that the community has a football team.

Like Jigalong, the community does not receive any direct funds for the repair and maintenance of roads in and around the community. Parts of the roads into the community, from the Tanami Road and out of it to the community of Mulan, have been upgraded recently. The Shire of Halls Creek has allocated over \$780,000 for this purpose for the 1999/2000–2003/2004 period. The urgency of this from the Balgo perspective is that the road to the Tanami is one of their major routes, but half of it is in the Northern Territory.

The new Warlayirti Art Centre is a feature of the community. The Art Centre relies on annual recurrent funding from ATSIC (\$96,000 approx). Two full-time staff are employed, who claim that at least one more full-time staff position is required. There

appears to be significant volume and quality of turnover, provided by artists from Wirrimanu and surrounding communities. It was stated that overall income into the Art Centre is 88 per cent self-generated and 12 per cent from ATSIC grants. Seventy per cent of the money returned to the Art Centre for paintings sold is paid back to the artist. The average return in comparable remotely based Aboriginal art centres is around 60 per cent. All materials are supplied to the artists through the centre at no cost; however this may not continue for much longer as the enterprise has to achieve cost recovery status.

Two recent incidents were related that are worthy of note:

- Five 'best quality' paintings were shipped to and sold in Austria, the combined sale price being \$120,000.
- From time to time a Darwin-based tourism and Aboriginal art and artefact venture flies its own plane to Wirrimanu with potential art purchasers on board.

Until recently, under a licence arrangement with the Wirrimanu Community Association, the Perth-based Aboriginal Business Development (ABD) operated the community store. An experienced Aboriginal community store manager has now been employed.

The small number of tourists and other people visiting Wirrimanu do so primarily to purchase fuel, a few for observing a nearby (5km) feature of geological significance, with associated land forms of interest, dating back to the Cretaceous period. It was suggested that this attraction, combined with the Art Centre and the soon to be established Cultural Centre, may be an opportunity worthy of a tourism feasibility study. It was recounted that the P&O Tourism Company recently attempted to purchase the hotel/motel (bush variety) at Rabbit Flat in the Tanami Desert across the border in the Northern Territory. Reference was made to possible opportunities associated with Lake Gregory and the Canning Stock Route, which may link with any organised tourism in the Wirrimanu area. An average of 10 vehicles (4WD's and an occasional 4WD bus) per week visit the community, which is located over 30 kilometres from the Tanami Road.

APPENDIX B: THE STRUCTURE AND INFLUENCE OF LOCAL POLITICS

One factor that has to be taken into account in attempting to improve the management capacity of any community is how that community organises and distributes authority. If that community is engaged in the delivery of governmental programs, then this pattern of authority can shape the choices it makes in response to the aims of government. For example, farmers or pastoralists dominate the elected Councils of many Shires in Australia. These persons have an interest in the quality of the roads by which they bring their produce to market. Consequently, they will spend on roads, not just the Commonwealth's roading grant, but also some of the Shire's 'discretionary' income derived from general purpose Financial Assistance Grants. This secondary expenditure may be at the expense of the Shire providing some community service, funded through a matching specific purpose grant, which some governmental agency is seeking to have that Shire assume. Unless the governmental official sponsoring that specific purpose program understands the 'culture' of that Shire Council such prioritisation may seem misdirected, even perverse.

So what we have here called 'culture' – actually the democratic pattern of power within the community – can affect the 'capacity' of a community to assume a responsibility (as the government official would see the matter).

Politics matters. Service delivery is not a conflict free zone and communities of all kinds seek to pick and choose from the governmental fruit salad those things that suit them and to resist those that do not. This behaviour – in effect the attempt to impose local priorities – affects outcomes, if only by reducing the efficiency or effectiveness of the community's power brokers' non-preferred activities.

It is a well-known truism that the remote Aboriginal communities of Western Australia have a social culture that is different from that of the majority of the citizens of the State. The three case study communities are all exemplars of this point. The issue then arises as to whether this culture creates difficulties, misunderstandings or failures in the formal transactions between those communities and the institutions and governmental agencies with which they have to interact. In explaining how Aboriginal communities react to and operate within the administration of their formal interactions with government and its agencies we have recourse to two alternative groups of theories: rational choice theories and grid-group theories.

There is a third group of theories, labelled structuralism, that are potentially applicable here. Structuralists propose that institutions are so rule-bound that they themselves supposedly shape behaviour. To structuralist theorists most people are creatures of habit and duty, their behaviour framed by the obligations of their institutional positions (March & Olsen 1989; Coleman 1990 & Lowi 1984). We would assert that the peculiarities of the communities considered by this project – featuring isolated Aboriginal groups with low levels of social capital and weakly articulated formal

institutions, these being relatively new and so exhibiting little historical inertia, as well as a community culture very different from that that shaped the formal 'western-rationalist' institutions within which they operate – renders the structuralist model irrelevant to our considerations.

Accordingly, we will focus on the other two theories, rational choice and grid group.

Rational choice theories

Rational choice theories assume that humans make conscious choices within their understandings of the limits of practical possibilities. For example, microeconomics as a discipline is based upon such an assumption (market information being here the crucial variable). At the political-public administration level, rational choice theory tends to devalue cultural singularity in explaining how people administer institutions. To these analysts culture – in the sense of social culture rather than the internal culture of the institution itself – is insubstantial and residual, if not irrelevant to people's actions in operating formal institutional structures.

At first glance this type of theory appears to have little applicability to Western Australia's remote Aboriginal communities. Yet there has been work on comparable communities in the Northern Territory, which indicates that the Aboriginal 'bosses' of such communities may be more successfully calculating and opportunistic in their dealings with government than would be expected if we assumed the pure culture model to apply.

In the early 1980s Gerritsen (1982) studied the Aboriginal communities, in an arc from Borroloola in the Gulf to Lajamanu in the northern Tanami, that were serviced by government departments based in Katherine. His conclusions were that local community politics provided the key to understanding two important aspects of service delivery:

- 'That the uses that services are put to in any community may reflect the structure of power and interests in the community as much as government-designated function ... (and)
- ...Communities are not mere pawns in bureaucracy's organisational games; there are important areas of *autonomy* and *initiative* at the community level and even some elements of control over the bureaucracy's agents' (Gerritsen 1982a: 16). [Emphasis in the original]

In other words, the governing elite of these Aboriginal communities exercises its preferences (within broad boundaries established by policy and program constraints) in a manner somewhat similar to our Shire Council elite described above.

This analysis of seven Northern Territory Aboriginal communities described community leaders acting in a rationalistic way to maximise the distribution of benefits to their kin/supporters or attempting to shape service delivery in ways that better suited them than the original governmental design of such service delivery.

This leaves us with the profane possibility that much of what administrators ascribe to a lack of community capacity is in reality the inefficient result of the clash between program design and community elite preference. The inefficiency may superficially be a reflection of a lack of consultation about service design and priorities but in reality be a consequence of elite distaste for the intent of some program.

For mostly political reasons, this rationalist approach, stressing as it did that Aboriginal people were purposive and calculating actors in their communities' relations with governmental agencies, has been relatively neglected. But most governmental service delivery officials have from time to time had suspicions in a similar vein. The implications for Aboriginal community capacity building of such an interpretation are obvious. For example, one is that the relatively narrow base of leadership (at least in formal institutions) may not be just because the culture of the community ill-suits most members from participating in 'whitefella business', but also because the prevailing leadership chooses to exclude actual or potential competitors from 'ownership' of that business. The rationalist approach holds many potential insights for understanding the behaviour of Aboriginal communities and their interactions with the outside world of service delivery agencies.

Grid-group theory

The sociologist, Emile Durkheim, originally conceived the grid-group theory. It was further refined by cultural anthropologists – most actively by Mary Douglas (1982, 1986) – and then translated into political science by, amongst others Thompson, Ellis & Wildavsky (1990). In the usage applied here relevant grid-group theory seeks to answer questions such as: How does the world function? To whom am I accountable? (Wildavsky 1994). Grid-group theory posits that answers to these questions produce orientations to two fundamental social dimensions:

- the legitimacy of external prescription (grid); and,
- the strength of affiliation with others (group).

Recently this model has been somewhat elaborated to incorporate distinctions refined by social anthropologists – between hierarchists and egalitarians, and between fatalists and individualists (Lockhart 1999: 865–66). These distinctions are focused upon individuals in their relationship to a wide variety of formal and informal institutions, and so are not particularly relevant to the present purpose, the community-government relationship that is the focus of this Report.

Their traditional culture affects the values and perspectives that Aboriginal people bring to inter-personal relations and ultimately to socio-political relations. Aboriginal culture's emphasis upon self-regulation, consensus, and appropriate relationships (Coombs, Brandl & Snowdon 1983) means that Aboriginal communities have to make a wrenching adjustment to deal appropriately with codified western rational-legalistic and impersonal, individualistic political and administrative systems. Aboriginal culture, with its overwhelming emphasis upon the 'social', in the sense of primacy of

relations with kin, arguably results in a process of 'cumulative socialisation' (Eckstein 1988: 790–91) that processes later learning through the filter of early learned predispositions. These filters construct orientations that shape later learning about a larger complex and ambiguous world learning (in effect a relatively universal process that psychologists describe as cognitive dissonance). In application this means that 'traditional' Aboriginal culture carries substantial inertial elements.

If we were to use this grid-group approach to analyse the responses of Aboriginal communities to external agencies (the 'external prescription' of the model) we would probably find that there were strong feelings of group affiliation and mixed or fatalistic acceptance of external prescription. In addition those communities would interpret the purpose of any service delivery program in a manner that made sense to their filtered worldview. That view may be substantially different from the assumptions underlying the program's design.

This theory has implications for the community's response (capacity to manage in our terms) to external agencies. It may mean that responses to agencies will vary over subject and over time, as values or acceptance of programs (the 'grid' or external prescription variable) changes. Accordingly, irrespective of the actual capacity of a community to deal with a program or 'duty' (as this is seen from outside the community), the seeming capacity of the community will vary from time to time. This will be for factors intrinsic to the community and may have nothing to do with the design of the program (duty). That is why the three case studies in this Report are important, so that we can separate out objective or actual deficiencies in management capacity from policy areas where a lack of capacity masks hostility or indifference to the external prescription of State or Commonwealth programs.

There is nothing alarming about this. Local government officers, for instance, continuously complain about State and Commonwealth government programs and the impositions these put upon their institutions and the time of their personnel. For 'cultural' reasons – including their understanding of law and the legal entitlements of other levels of government – these officers have a high acceptance of their duty to obey external prescription. They will probably implement their 'duty' with what, the usual fungibility distortion aside, seems a high degree of capacity.

So what we have from this above theorising is two groups of possibilities insofar as failures of management capacity (as we outsiders would define it) in Aboriginal communities is concerned:

- that there is some local distributional issue – such as elites shaping the program for their own ends, or inter-group conflict – that prevents the local community managers from delivering the program in a manner intended by its designers in Perth or Canberra; or
- that there is some genuine dissonance between the program design and the cultural preferences of the community – inappropriately designed housing is a frequently occurring example – that cause the community managers to implement the program in a half-hearted manner (ie to exhibit low management capacity).

This requires administrators to reflect upon the politico-social state of the community because each possibility requires a radically different approach. In the first case, where a program is being implemented in an inegalitarian manner, a more authoritative administrative response is morally required (though this is politically difficult). In the second case, the more appropriate course of administrative action is to recognise a failure of communication, which can be tackled by redesigning consultation with that community.

Of course, outside this rational choice-culture dichotomy there is also another possibility: that the local managers truly cannot cope with the complexities of a particular program. This is a genuine failure of management capacity (as seen from the perspective of the departmental headquarters), but still raises the other issue of inappropriate program design insofar as the program is intended to operate effectively in such a community.

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- More examples of how some Councils are organizing their administrations differently from what is proposed by DIA bureaucrats
- An anglophone should speak in his language, a francophone French, because there is simultaneous translation
- Action - reaction
- Ask First Nations the topics they would like to discuss
- To learn about the experiences of other First Nations
- What are the legal implications for by-law making power when the governance act is in place

- Work more on practical matters
- Hold more workshops and gain by experience. To build confidence for First Nation and tribal administrators
- Require a more central location in Montreal or Quebec
- Be on time
- Consult with communities first to find out what they need to know. It would be nice to have this workshop in maybe Quebec instead of Montreal
- Recruit First Nations with expertise in our context
- I would have liked better to hear the positions of the communities on the Governance Act and feedback from the federal officials on the policy which is coming

- Generally speaking there was too much of a presence of federal bureaucrats, too few presentations on the part of First Nations

Most Valuable Aspect of the Workshop

- Awareness of importance of such by-laws and policies
- The panelists were very interesting
- Learning the difference between the uses of a by-law versus a policy
- The facilitators who were present were very helpful, extremely useful
- Exchanges with other members
- Good network of contacts
- Exchanges among participants
- The presence of the panelists with experience in the preparation of by-laws
- Exchanges among the communities
- The sharing of information among communities - understanding the urgent needs of each community concerning by-laws
- Certain communities sharing their experiences
- Personal challenges expressed by participants at the Council level
- The exchange and sharing of information
- Meeting participants and the exchanges of information
- The panel was instructive
- The presentations by the panel and the exchanges
- Sharing experience and knowledge with other First Nation groups
- It is important to educate our people! And try really hard to get them involved especially the younger generation as they will be our future leaders
- The Aboriginal presentations were lots of fun

How Could the Workshop Be Improved?

- Better transcribers
- Information prior to the workshop
- Conference room/tables were never cleaned each day. Glasses for drinking that were clean were actually dirty - "Not a clean environment"
- That depends on the objectives that one was trying to achieve
- It was long at times
- I would have liked to have more information and more written material about the legal aspects of by-law development and implementation. Mr. Webb's presentation was too short!
- Less long, more animation and more focused subject matter
- More dynamic animation
- More attention to the techniques and the available resources
- Have a better dialogue on the subject matter of the workshop
- Spend more time on what participants will do in returning to their communities
- More participation of Aboriginal people
- More emphasis on the approaches one must take to innovate and to adopt our by-laws within our communities
- To have more technical training - something that will happen in May

APPENDIX

SUMMARY OF THE PARTICIPANT EVALUATIONS

Ratings of

- a) Physical Location 3.4
- b) Workshop Design 3.3
- c) Facilitators 3.4
- d) Materials produced for and during the workshop 3.5

Comments:

- As in any workshop translation does not give the "exact" wording the facilitators/participants view
- I would have preferred that the workshop had lasted three days instead of two
- The content was old hat; nothing innovative in the presentation
- It was unfortunate we had to eat at the same table as we sat at as we didn't get to circulate much
- Very good workshop, very interesting
- Useful overall
- Too little concrete experience and material to chew on
- Nothing new! It was in fact a review of the work that one must do. Is this the beginning of governance?
- I was expecting a more technically oriented workshop. I would have liked to have had more communities share their experience; to have had a list of by-laws adopted by other communities
- More emphasis on providing information on the separation of executive (councils) from the administrative (program managers) because chief's role should be to lead, not to administer, just like the federal Cabinet and the federal civil service
- It was very instructive and stimulating concerning the development of by-laws
- I found the workshop repetitive and can point to few concrete results
- To understand the importance of by-laws and policies (the dividing up of responsibilities); I would have liked to have had more information on the legal aspects of by-laws
- More updated examples of various by-laws
- Choose an organization which is able to express itself more
- Great workshop and ideas presented to participants
- The hotel left much to be desired
- I did learn interesting things but with sovereignty on its way, I feel that DIA are trying to drill it in our heads to impose more laws on our people to make it harder to do things. Yes it is good to have by-laws for certain aspects such as controlling dogs, safety, zoning, environmental issues etc.

Attachment 2

Our ref: idms/open/bmc/capacitybuilding/recruitment/oracreview

DEPARTMENT OF INDIGENOUS AFFAIRS Western Australia

SUBMISSION ON THE REVIEW OF THE *ABORIGINAL COUNCILS AND ASSOCIATIONS ACT 1976* CONSULTATION PAPER

Introduction and summary of position

The Department of Indigenous Affairs (DIA) is of the view that, while aspects of the *Aboriginal Councils and Associations Act 1976* (the ACA Act) could be considered to be outdated and paternalistic, the Act should be retained in the short term. DIA favours option 3.

It is understood that, since the 1970s and assisted by Government policies of self determination and self management, there has been a rapid growth of Aboriginal organisations representing various forms of governance at local, regional, state and national levels.

These organisations are expressions of increased Indigenous control and many serve vital functions in the provision of services and support to Aboriginal people. Many have developed in an ad-hoc manner, often in response to dissatisfaction with other structures imposed by Government, or where they were not satisfactorily meeting the expectations of community members.

Some associations have overlapping functions and some compete actively for resources. Many organisations have a limited capacity or limited expertise to fulfil their purpose or meet the obligations they have to funding bodies and their members. There is perhaps potential to rationalise the number and purpose of some organisations in order to maximise the efficient use of scarce resources.

As the law stands, particularly in Western Australia, there is justification for a separate Indigenous incorporation statute. Many Aboriginal groups would be disadvantaged if they were forced to incorporate under the Corporations Law or the current West Australian associations legislation. It is hoped in the longer term that Aboriginal groups will operate under the mainstream legislation without disadvantage and that there will be no need for separate legislation.

The Review has posed some core questions to DIA. DIA's responses are set out below.

1. **Should the ACA Act be kept for setting up Indigenous Corporations?**

DIA is of the view that, while the normalisation of Aboriginal corporations should be pursued in the longer term, the current lack of reasonable

alternatives to the ACA Act means that the ACA Act should be retained for the moment. It is likely that many Aboriginal groups would be disadvantaged if they were forced at this point to incorporate under the Corporations Law or the current West Australian associations legislation.

Are there any benefits in incorporating under an Indigenous specific statute that are not available under other incorporation regimes?

- 1.1 Yes, there are benefits in incorporating under the ACA Act that are not presently available under the West Australian *Associations Incorporation Act 1987* (AI Act) or the *Corporations Law*.
- 1.2 Aboriginal groups now have the option to choose which legislative regime they prefer and this should be encouraged. The Office of the Registrar of Aboriginal Corporations (ORAC) plays an important role in assisting groups who seek to incorporate under the ACA Act, including through the appointment of administrators and the training of staff and executives. This role could be expanded to include a broader educative role, to ensure that Aboriginal groups make the best organisational choice for their circumstances.
- 1.3 The disadvantages of the State Act and the Corporations Law are described below.

Associations Incorporation Act 1987

- 1.4 More than 15,000 associations have been incorporated under the AI Act. The AI Act has broad coverage, from large sporting clubs and trade unions to small groups. The AI Act comes within the jurisdiction of the Department of Consumer and Employment Protection, which freely admits that it cannot identify how many of the associations are actually operating today.
- 1.5 The Associations section of the Department of Consumer and Employment Protection does not appear to be well resourced and there is almost no monitoring of associations or their compliance with the AI Act. Aboriginal associations incorporated under the AI Act cannot access anywhere near the level of assistance provided by ORAC.
- 1.6 While the level of scrutiny and monitoring in the ACA Act may be considered to be outdated and paternalistic, the AI Act is at the other extreme. It imposes few obligations on associations and no scrutiny or monitoring. Neither does it adequately protect members in the event of conflict or mismanagement.
- 1.7 The ACA Act applies to all kinds of groups including business ventures. In contrast, a profit making association cannot incorporate under the AI Act.

Obligations imposed by the WA Act

- 1.8 There are very few obligations imposed upon an association incorporated under the AI Act.

There is no requirement for annual financial statements to be lodged or even audited. Sections 25 and 26 of the Act merely require incorporated associations to maintain accounts and to submit those accounts to members at the annual general meeting. There is no monitoring. Many associations remain registered that are long defunct.

Resolution of disputes

- 1.9 Under the AI Act, resolution of disputes between members necessitates an application to the Supreme Court, which is costly and lengthy and probably not realistic for the majority of members.
- 1.10 In Western Australia, the rights of members at common law to enforce the rules of the association are uncertain. The authority commonly cited is the High Court decision in *Cameron v Hogan* that held that the Court would not interfere in the affairs of voluntary associations in relation to rules that do not confer upon member's civil rights susceptible of private enjoyment. Members of incorporated associations in Western Australia have few rights that they are capable of enforcing.
- 1.11 The decision in *Cameron v Hogan* has been criticised in other jurisdictions but for the moment, remains binding in Western Australia.
- 1.12 The AI Act contains detailed provisions as to what should be contained in an association's rules but provides neither the Commissioner nor the members with a means of enforcing those provisions.

Management

- 1.13 When the management of an association breaks down the AI Act provides no means of intervention and assistance. The only steps that the Department of Consumer and Employment Protection can take are prosecution for an offence under the Act; cancellation of incorporation; transfer of undertakings to another body corporate; or winding up. These options are in many cases inappropriate and give no opportunity for an attempt to solve the management problems.

There is no power for the Commissioner to appoint an administrator.

Distribution of property

- 1.14 The AI Act contains confusing and complex provisions concerning the distribution of the surplus property of associations that are wound up. These provisions cause considerable difficulties for associations, the Business Names Office and the Australian Taxation Office.
- 1.15 One feature of the AI Act on a winding up is that the surplus property of an association may only be distributed to another association incorporated

under the AI Act (i.e. not to associations incorporated in other States or under the ACA Act)- or for charitable purposes.

- 1.16 The Department of Consumer and Employment Protection has often been confronted with situations where a funding body has provided funding to incorporated associations only to find that on the winding up of that association, the money cannot be returned to the funding body but must be distributed to another State incorporated association or for a charitable purpose.
- 1.17 Furthermore, the Australian Taxation Office (ATO) requires particular wind up clauses to be included in the rules of organisations seeking tax-exempt status. There has traditionally been conflict between the ATO's requirements and those contained in section 33 of the AI Act.

Cancellation of incorporation

- 1.18 As indicated above, there is little or no monitoring of the performance of associations incorporated under the AI Act.
- 1.19 The Commissioner has limited powers of cancellation of an association. Both the voluntary and court winding up procedures provided for in the Act are complex.
- 1.20 Section 35 of the AI Act does empower the Commissioner to cancel the incorporation of an association in limited circumstances.
- 1.21 One of the difficulties is that the Commissioner often has no knowledge of the current address of an association. Furthermore, where the incorporation is cancelled any property of that association vests in the Commissioner. After that, the process of dealing with that property is subject to the same confusion as that relating to winding up i.e. it can only be transferred to an association incorporated under the State Act or for charitable purposes. Property cannot be transferred to an association incorporated under the ACA unless we can show that it is for charitable purposes.

Other disadvantages

- 1.22 Unlike the ACA, there is no requirement for members of an association incorporated under the AI Act to be Aboriginal people. Over time, the membership of an Aboriginal corporation could change dramatically.
- 1.23 Associations that seek to carry on business outside their jurisdiction of incorporation, must become Registered Australian Bodies under Part 4.1 of the *Corporations Law* and must comply with the requirements set out in that Part.

Comments

- 1.24 It is, of course, open to an Aboriginal group to incorporate under the legislation that best suits its needs. Until appropriate State legislation exists, the ACA Act will be preferable for many. The deficiencies in the AI

Act are well recognised. Amendments have been proposed but appear a long way off.

- 1.25 The AI Act disadvantages members in the event of any breakdown in management or conflict. The opportunity for members to enforce the rules or to resolve disputes is limited and costly. There is furthermore, no provision for the administering agency to step in and assist if things go wrong. There is also no dedicated source of assistance and advice for the association.

Corporations Law

- 1.26 The alternative to the ACA Act and the AI Act is incorporation under the *Corporations Law*. As indicated above, Aboriginal groups currently have the option of shopping around and choosing the legislative regime that best suits their needs. This should be encouraged.

- 1.27 For some groups, particularly those that are large or business orientated, the *Corporations Law* will be the forum of choice. For many groups, particularly those that are small or not for profit, the *Corporations Law* will lead to disadvantage. The regime would mean significant costs in both formation and compliance. Many groups may be unable to meet these costs. In addition, they will be attempting to comply with the complex requirements of the *Corporations Law* without the kind of specialised assistance they receive from ORAC under the ACA Act. Many corporations would struggle to meet these compliance requirements and could face being shut down.

2. Do you have any preference from among the 3 alternative options set out in the consultation paper?

- 2.1 DIA favours option 3. In the longer term it would hope that Aboriginal corporations could reach the point where there is no reason for the ACA Act.

- 2.2 DIA supports reforms to make the ACA Act more flexible. There is a particular need for financial and meeting requirements for some smaller family based organisations to be simplified.

3. Are there any fundamental issues, which in your view should exclude any of the 3 broad reform options from further consideration?

- 3.1 The lack of appropriate alternative State or Federal legislation and the likelihood of disadvantage to many Aboriginal groups suggest that option 1 should not be adopted at this time.

- 3.2 Groups currently have the option to choose which legislative regime under they wish to incorporate. They should be able to retain this choice.

- 3.3 DIA also has concerns with Option 2 and how ORAC would determine whether a corporation was small or complex. What criteria would it use?

The circumstances and nature of corporations vary widely— how could fair and just criteria be arrived at?

4. If Option 1 were adopted, ORAC would be transformed into a body primarily concerned with providing assistance to Indigenous corporations (which would be incorporated under the Corporations Act or State association incorporation acts). Should ORAC also retain regulatory powers in relation to assisted corporations?

4.1 DIA agrees that the focus of ORAC should change from an interventionist, regulatory approach to assistance and capacity building and providing a role in mediating disputes.

4.2 DIA is, however, concerned that option 1 will lead to a reduction in the role of ORAC and, consequently, a cut in funding. The services provided by ORAC are important and need to be boosted. Under option 1 it would be too easy for the Federal Government to shed its responsibility for assisting Indigenous corporations entirely.

Are you of the view that ORAC should retain some regulatory powers in relation to assisted Indigenous corporations? Why?

4.3 If option 1 was adopted, it is our view that ORAC should not retain regulatory powers in relation to Indigenous corporations incorporated under other Acts, as this would be unnecessarily paternalistic, and would simply impose another level of administration and compliance upon Aboriginal corporations.

4.4 While it could be argued that there is some justification for retaining ORAC's regulatory role in the case of associations incorporated under the WA associations legislation, on the basis that the State Act provides the agency that administers it with so few regulatory powers, this deficiency should be fixed by altering the legislation, not by applying a 'bandaid' solution as the Act relates to Aboriginal corporations.

4.5 There is no justification for a retained regulatory role for O:RAC in the case of associations incorporated under the *Corporations Law*. In any event, some corporations would struggle to cope with two regimes.

5. Are there any other aspects of the proposed reform as outlined in the Consultation Paper, or issues not canvassed, which is deserving of attention and comment?

5.1 DIA has recently been dealing with a serious problem that arises from the interplay of the ACA Act and the AI Act. The problem affects a number of Aboriginal organisations in Western Australia. DIA asks that the Review team consider this problem when proposing amendments to the ACA Act.

Incorporation under ACA does not cancel incorporation under State legislation in WA

- 5.2 In the mid 1990s there was a move for Aboriginal associations incorporated under the State AI Act to seek to become incorporated under the Federal ACA Act.
- 5.3 It was apparently assumed at the time that incorporation under the Federal Act automatically cancelled incorporation under the State Act and transferred all property to the new association. This was confirmed by ORAC on the basis of legal advice from the Australian Government Solicitor. The view was on the basis of section 46(1)(aa) of the ACA Act, which reads:
- (1) Upon the issue to an Aboriginal association of a certificate of incorporation under section 45, the association:
 - (a) in the case of an unincorporated association—becomes a body corporate with perpetual succession;
 - (aa) **in the case of an association incorporated otherwise than under this Act—continues in existence by force only of this section as a body corporate and has perpetual succession;**
- 5.4 Recently the Department of Consumer and Employment Protection, which administers the AI Act, advised that ORAC and the Australian Government Solicitor are incorrect and that the WA legislation operates such that the old Association still exists under the WA legislation. The crux of the problem is that if the state incorporation still exists, property has not been transferred to the new corporation. The exact rationale for the Department's view is unknown, as the legal opinion the view is based on is protected by legal professional privilege.
- 5.5 However, we understand that the State Crown Solicitor's Office has considered the opinion and noted that it is well reasoned. Unless some resolution is found, we will not know which view is correct unless a Court adjudicates on the issue. The Crown Solicitor's Office has advised that court action is not practicable, as it is likely to involve constitutional issues of State versus Federal laws and would possibly involve the High Court.
- 5.6 An example will illustrate the problem: Mount Margaret is an Aboriginal community in the Goldfields region of WA. The community is located on a reserve held by the Aboriginal Lands Trust (ALT).
- 5.7 A 99 year lease of the Community's land was granted to Amos Inc. Amos Inc was incorporated under the State legislation and it (or a section of its membership) subsequently applied for incorporation under the Federal legislation as "Amos AC".

- 5.8 Amos AC represents the Mount Margaret Community. Amos Inc's representatives no longer live at the Community and there is considerable animosity between the two groups.
- 5.9 Amos AC and Amos Inc believed that all the property of Amos Inc had automatically transferred to Amos AC, including the lease and all assets. This changed when the Department of Consumer and Employment Protection advised Amos Inc that Amos Inc was still in existence and still held the lease.
- 5.10 Amos Inc demanded that its status as the owner of the lease of the Community's lands and all assets of Amos AC be recognised. It commenced an action in the Leonora Local Court essentially seeking to take over the Community. This has been ultimately unsuccessful.
- 5.11 ATSIIC had committed significant expenditure on housing infrastructure (\$2.2 million) but this has been suspended given the dispute.
- 5.12 The Registrar of Aboriginal Corporations and the Department of Consumer and Employment Protection have opposing views on the effect of the legislation. No resolution has yet been found to this problem. DIA asks that the Review team consider the issue and that ORAC work with the Ministry of Fair Trading to find some solution.

6. If options 2 or 3 were adopted, should the Registrar's capacity building functions be extended to organisations incorporated under the Corporations Act and the State Association Incorporation Acts?

DIA favours option 3. It would support the extension of the Registrar's capacity building functions to Aboriginal organisations incorporated under other legislation. In the longer term, repeal of the Act may be considered and the capacity building and advice functions of ORAC may be incorporated within the Corporations Law and AI Act administering bodies, if appropriate.

7. Do government agencies presently have any specific requirements for funded bodies/ bodies to which land is to be divested, to be incorporated under any particular incorporation statute or adopt any particular corporate structure?

DIA provides funding assistance to incorporated Aboriginal groups but does not limit this to associations incorporated under any particular statute.

DIA also provides administrative support to the ALT. The ALT is engaged in transferring its landholdings (amounting to 12% of the State), to Aboriginal ownership. Transferees must be incorporated, but there is no requirement that they be incorporated under a particular statute, provided that they are an Aboriginal body.

8. **Under option 1, Indigenous corporations would have access to facilitation/assistance/training/capacity building etc from the reformed ORAC. To qualify for such assistance a corporation would have to be accredited as an Indigenous Corporation. What would be the requirements for accreditation? To qualify for such assistance a corporation would have to be accredited as an Indigenous Corporation. What would be the requirements for accreditation?**
- 8.1 DIA does not favour option 1 in the short term. DIA would assume that any reduction in ORAC's role would leave ORAC vulnerable to reductions in funding and functions.
9. **Under option 1, should any attempt be made to adjust or modify timeframes and penalties for failing to meet the timeframes for financial reporting from what is currently provided under the Corporations Act and/or State Incorporation Acts? What are the risks in doing so?**
- 9.1 DIA does not favour option 1 in the short term. It would also not support a second regime that Indigenous groups must negotiate on top of the regime imposed by the *Corporations Law* or State associations legislation. In addition, it would be difficult to monitor the performance of groups incorporated under other legislation. A second regime would be likely to result in complexity and confusion.
10. **Under options 1 and 2, what sort of transitional arrangements should be put in place to minimise disruption and cost involved in transferring corporations from the ACA Act to the Corporations Act or State Acts?**
- 10.1 DIA does not favour options 1 or 2. Presumably there could be legislative provisions providing that all property automatically transfers to the new corporation. However, this does not avoid the administrative requirements that would result from such a change. For the corporation it would mean identifying all of its property and ensuring that the change of ownership is registered at relevant authorities. The ALT, for example, would have to transfer each of the leases it has issued over the years to the new corporation according to the administrative processes of the Western Australian Department of Land Administration.
- 10.2 DIA is still dealing in a significant number of cases with property that has not been properly transferred from state incorporated bodies that moved to the ACA Act in the 1990s. In addition, the Mount Margaret example (outlined above) should be noted for the complications that can result.
11. **Under option 2, what would be the measure for setting the criteria for qualification to come under the amended ACA Act?**

DIA does not favour this option. Any criteria would appear rather arbitrary.

- 12. Under option 1 how could the requirements under the Native Title Act 1993 and regulations for incorporation of Native Title Representative Bodies and Prescribed Bodies Corporate be addressed?**

DIA does not favour option 1.

Attachment 3

Our ref: idms/open/bmc/CapacityBuilding/leadership

INDIGENOUS LEADERSHIP DEVELOPMENT IN WESTERN AUSTRALIA

A position paper

This paper is an Indigenous Perspective on what is required to support and develop Indigenous Leadership in Western Australia. It is an Indigenous Perspective. It is not The Indigenous Perspective.

The Indigenous people who have contributed to the development of this position paper present it in response to their invitation from the Department of Local Government and Regional Development to contribute to the development of the *WA Leadership Plan*.

PROCESS UNDERTAKEN TO DEVELOP THE POSITION AND RECOMMENDATIONS IN THIS PAPER

This position was developed after ATSIC, Department of Indigenous Affairs (DIA) and Indigenous Participants in the Department of Local Government and Regional Development (DLGRD) planning sessions became concerned the processes being used to develop the WA Leadership Plan and framework were not inclusive of the diversity of Indigenous People in WA.

The Australian indigenous Leadership Council (AIRC), the WA Centre for Leadership (WACLCD), ATSIC and DIA prepared a discussion paper and circulated it to a wide representation of the Indigenous Community of WA. Their contribution and comments on the discussion paper were invited.

These same Indigenous people came together at the WACLCD to debate and discuss their position in regard to the WA Leadership Plan development and the discussion paper.

A further workshop was held to finalise agreement on recommendations.

The paper has been circulated to all of the people who participated in the development of the recommendations within it.

Indigenous leaders in the following areas have been involved in documenting this Indigenous perspective;

- Council Of Aboriginal Agencies
- Indigenous Business
- Native Title
- Law
- Disability Services
- Health
- Elders
- Lobby
- Australian Indigenous Leadership Council
- Family and Women
- Youth
- Education
- ATSIC – elected representatives
- Western Australian Community Controlled Health Organisation

INTRODUCTION

The process to develop a WA Leadership Plan (the Plan) presents the possibility of gaining equal outcomes for Indigenous and Non-Indigenous Leaders in WA.

Practically, this will require the Plan to advocate constitutional reform and legislative change to affirm equal status for Indigenous Leaders in decision-making processes that affect the First Nation People they represent.

The Department of Local Government and Regional Development advocate a collaborative partnership approach to development. This advocacy needs to be supported practically in terms of engaging in truly appropriate consultative and decision-making processes with the Indigenous people they serve. It will require negotiated agreements.

Recommendations.

This paper claims The WA Leadership Plan will need to address the following recommendations if it is to be effective in the development of Indigenous Leadership in WA

We recommend that the WA Leadership plan:

- 1. Recognise Indigenous Leaders are Australian Leaders.**
- 2. Ensure appropriate forms of consultation occur to partner with a wide and diverse representation of the Indigenous people of WA in decision making to develop the plan and any frameworks that became relevant to it.**
- 3. Undertake to map out current activities, and the gaps and overlaps that exist in terms of delivery of leadership support, training and development in WA.**
- 4. Cater for the specific needs of young Indigenous people and Indigenous women.**
- 5. Recognise the diversity, gender and history of Indigenous people.**
- 6. Support processes that allow for Indigenous Leadership to maintain critical links to family, land and culture.**
- 7. Operate within the principles and partnership frameworks presented in the Statement of Commitment¹**

¹ *Statement of Commitment to a New and Just Relationship between Government of Western Australia and Aboriginal Western Australians.* (October 2001)

1. “Indigenous Leaders” are “Australian Leaders”

Previous policies have failed to get outcomes for Indigenous People that are enjoyed by non-Indigenous Western Australians. Indigenous Leaders, unlike other Australian Leaders, have some unique and specific needs in terms of their development. If these are to be met then Indigenous people must be involved in the decision-making process. They must be recognised as First Nation People with rights as citizens of this country.

In 1998 the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) conducted research into the development of a National Indigenous Leadership Program.² A key recommendation in the final report was “The aim of an Australian Indigenous leadership development program should be:

To empower Indigenous communities to develop leaders from their communities with advanced skills, knowledge and networks who can effectively contribute to shaping the future for their communities and the nation.”

2. Consult with the diversity in the Aboriginal Community of Western Australia

Indigenous people involved in the development of this position paper support the delivery of programs, as a solution, falls short of being truly effective. They offer a more comprehensive self-determined approach, having Indigenous Nations be involved the development of their leaders.

Indigenous people see success where they will be the decision makers and be resourced to implement their decisions. They will be responsible for and accountable to their own people for strategies to achieve agreed desired outcomes.

To develop Indigenous Leadership is not to ‘create’ Indigenous leaders but rather to support them and provide them with the necessary opportunities to develop skills and the capacity to walk confidently and have a positive impact in the Indigenous world and the mainstream. The WA Leadership Plan needs to support this capacity building approach.

Since the 1970s there has been a steady increase of new institutions of Indigenous governance formed at the community and regional levels including: Aboriginal and Torres Strait Islander Commission (ATSIC) Regional Councils, Land Councils, Native Title Representative Bodies, Native Title Bodies Corporate, Local Governments, Community Councils and other incorporated associations, operating under different statutory and governmental jurisdictions.

² Cranney and Edwards. Aboriginal and Torres Strait Islander Studies (AIATSIS). 1998. *Concept Study into an Australian Indigenous Leadership Development Program.*

Today there are several thousand separately incorporated Indigenous organisations in Australia.

These institutions of governance provide essential mechanisms through which leadership and representation is exercised in dealing with external constituents.

There are others systems of governance in place in Indigenous communities that need to be recognised and included in decision making.

Stable Indigenous governance structures reflective of, and accountable to, their community's needs and values form the foundations for individual, community and regional Indigenous Leadership Development.

Developing leadership within these organisations and communities will serve to ensure the well-being of their peoples, enhance their political sovereignty and establish strong economies.

3. Mapping Exercise

A Leadership Plan for WA will need to map out what Leadership Development is currently in place to identify the gaps and overlaps to service providers and allow for effective collaboration and partnerships to occur.

4. Women and Young People

The demographics of Indigenous People are not congruent with those of mainstream. These differences present considerations for leadership development in terms of gender and age barriers.

Some examples of this present in the form of youth who are considered children in the mainstream yet recognised as adults in their community. Young Indigenous people also have extra political challenges to face in their need to 'grow' in two worlds with vastly different politics.

In some circumstances Indigenous women leaders operate within Indigenous governing structures that restrict a level of participation that mainstream women leaders have long since overcome.

5. Recognise Indigenous Diversity, History and Culture

The WA Leadership Plan is a plan for the future and so must learn from, and depart from, history and past dealings between government and Indigenous people. To be ignorant of the previous experience of Aboriginal people in WA would only serve to make fertile the ground for unintentional or indirect racism.

To make genuine commitment to developing Indigenous leaders there need be recognition of the difference between govt appointed, community and

organisational leaders. The cultural implications for supporting development in one more than the other area would again provide indirect negative impacts.

6. Maintain Links Back to the Land and their People.

Leaders and their links are the bridge between the community and the environment within which it operates. The communities who nominate and support their leaders rely on them to speak for their people and to advocate their views, vision and culture. They are accountable to their people and therefore need support to remain in touch with and to consult them on matters that effect them. Any plan to support leadership needs to allow for this process to continue.

BACKGROUND

National opportunity.

In November 2000, the Council of Australian Governments (COAG) identified the need to improve Indigenous governance and service delivery arrangements in order to achieve improved outcomes for Indigenous people.

They agreed to:

- Address social and economic disadvantage
- An approach based on partnerships and shared responsibilities; program flexibility and coordination; focus on local communities and outcomes
- **3 priorities areas; community leadership; needs of families, economic independence**

Ministerial Councils, including the Ministerial Council of Aboriginal and Torres Strait Islanders Affairs (MCATSIA) recognise the need for governments and their agencies to work together, and with Indigenous people, to achieve sustained outcomes. They have taken on a role to provide overarching coordination and monitoring

This joined up government approach to develop regional agreements calls for community leaders that are strong and confident to participate in their Indigenous communities, the mainstream community and the nation.

Opportunity in Western Australia

In October of 2001 the Western Australian Government signed a Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians.

The commitment is to develop a partnership approach to develop framework agreements, in good faith, to address;

- A whole of Government/community approach based on negotiated policy benchmarks and targets
- Regional negotiated agreements incorporating integrated planning involving ATSIC, community organisations and State and Local Government;
- Agreed processes for audit and evaluation of negotiations and outcomes
- Reform of government and Aboriginal organisations infrastructure where required to ensure implementation of the partnership agreement.

This new way of 'doing business' comes supported by a WA State Government's commitment to resolve Land determination claims as a mediated outcome rather than the lengthy and expensive litigate one of the

previous government. The Department of Indigenous Affairs has supported the expedition of land transfers via the increase of resources and improvements in processes, as outlined in the Wand Report.

Government Appointed Lead Agency

Government has recognised the need for a lead agency to coordinate programs and support the implementation of the commitment.

The Department of Local Government and Regional Development (DLGRD) were nominated by the Machinery Government Taskforce to be *'supporting individual and community capacity building, with particular emphasis on leadership and governance'*. Labor made a commitment to *"Seek the cooperation and assistance of Aboriginal representative bodies, to build on what has already been achieved in the training of future leaders in rural communities"*

Negotiated Outcomes: What are the implications for Indigenous Leadership Development in Western Australia?

This new era of negotiating outcomes with Indigenous people will require strong and effective leaders to negotiate and foster their communities/organisations participation in partnering with government to effectively impact on addressing the disadvantage experienced by Indigenous people in WA.

Equally, it requires a shift in government in the way it does business with Indigenous people, families and their communities.

Global Best Practice

Whilst there is always a strong argument for developing unique solutions and strategies to our unique circumstances there is value in exploring other successful practices.

There are many great local State and National examples of success when we talk about developing Indigenous Leadership. It may be that we need to explore and document many of these.

An internationally recognised example of best practice is the Harvard Project on American Indian Economic Development. Housed at the Malcolm Weiner Centre for Social Policy at the John F. Kennedy School of Government. Since the Project's creation in 1986, fieldwork and activities with tribal organisations have been researched, evaluated and documented to show evidence that

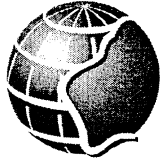
“Successful Indian nations assert the right to govern themselves and exercise that right effectively by building capable and culturally appropriate institutions of self-governance.” (July 2001. The Statement of Andrew J. Lee)

The question about how to build healthy, sustainable communities and nations presents itself to the tribes and leaders in the same way it does to leaders and organisations worldwide. The Harvard Project shows that successful practice in terms of positive sustainable outcomes is achieved where Indigenous communities

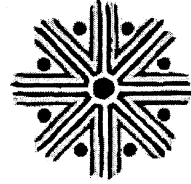
“seize control over the decision making and turn sovereignty into a practical reality; establish capable and culturally appropriate governing institutions; maintain a strategic orientation and incorporates community priorities, concerns, circumstances and assets; and empower leaders who will implement a strategic and community defined vision for the future. In short these tribes recognise that governance and economic development are inextricably linked.” (July 2001. The Statement of Andrew J. Lee)

It may be noted that The Harvard Project offers high-level executive training and leadership development through its network to support the Indigenous Leaders of it's people to build their individual capacity, their organisational capacity and their community capacity to carve a future for themselves that is self-determined and sustainable.

Clearly this level of institutional support is not available currently in Western Australia or indeed in Australia. Such Public-Private Partnerships as the Harvard Project provide more efficient and long-term sustainable solutions and achieve better outcomes for their First Nation people.



Government of
Western
Australia



ATSIC

STATEMENT OF COMMITMENT TO A NEW AND JUST RELATIONSHIP

between

**the Government of Western Australia and
Aboriginal Western Australians**



A COMMITMENT TO A NEW AND JUST RELATIONSHIP

There is a need for a new and just relationship between the Government of Western Australia and Aboriginal Western Australians.

- **Aboriginal people and their culture are a unique and invaluable part of our State;**
- **Dispossession, settlement and the cumulative acts of colonial and State governments since the commencement of colonisation have left an enduring legacy of economic and social disadvantage that many Aboriginal people experience;**
- **Aboriginal people have continuing rights and responsibilities as the first people of Western Australia, including traditional ownership and connection to land and waters. These rights should be respected and accommodated within the legal, political and economic system that has developed and evolved in Western Australia since 1829;**
- **Wealth creation in the general Western Australian community is fundamentally important in the process of addressing problems facing Aboriginal people. Certainty for industry's development proposals and security for Aboriginal people's cultural heritage and values must be equally respected within the overall development of the State;**
- **Circumstances of Aboriginal people can differ significantly between regions and localities. Regional and local approaches are required to address issues that impact on Aboriginal communities, families and individuals;**
- **To achieve improvement Government and Aboriginal people need to work together in partnership and share responsibilities.**

STATEMENT OF COMMITMENT

This agreement commits the parties to work together to build a new and just relationship between the Aboriginal people of Western Australia and the Government of Western Australia.

PARTIES

The parties to this agreement are the Government of Western Australia and the Western Australian ATSIC State Council, supported by the following Aboriginal Peak Bodies:

Western Australian Aboriginal Native Title Working Group;

Western Australian Aboriginal Community Controlled Health Organisation; and

Aboriginal Legal Service of Western Australia.

OBJECTIVE/PURPOSE

The purpose of this statement is to agree on a set of principles and a process for the parties to negotiate a State-wide framework that can facilitate negotiated agreements at the local and regional level.

The shared objective is to negotiate a new approach in Aboriginal affairs policy and administration in Western Australia based on regional agreements.

The partnership framework aims to enhance negotiated outcomes that protect and respect the inherent rights of Aboriginal people and to significantly improve the health, education, living standards, and wealth of Aboriginal people.

PRINCIPLES

In achieving these objectives the parties are committed to the following principles:

- recognition of the continuing rights and responsibilities of Aboriginal people as the first peoples of Western Australia, including traditional ownership and connection to land and waters;
- legislative protection of Aboriginal rights;
- equity with respect to citizenship entitlements;
- regional and local approaches to address issues that impact on Aboriginal communities, families and individuals;
- a commitment to democratic processes and structures;
- inclusiveness;
- the need to address issues arising from past acts of displacement;
- a commitment to improved governance, capacity building and economic independence.

AGREEMENT IN GOOD FAITH

This is an agreement made in good faith based on the commitment of the parties to effective and sustainable partnership.

PARTNERSHIP FRAMEWORK

The Parties agree that the most effective means of translating the above principles into meaningful action and outcomes is by way of regional agreements, based on partnerships.

The parties agree that between Aboriginal people and the Western Australian Government there will be negotiated partnerships which:

- **will be based on shared responsibility and accountability of outcomes;**
- **should be formalised through agreement;**
- **should be based on realistic and measurable outcomes supported by agreed benchmarks and targets;**
- **should set out the roles, responsibilities and liabilities of the parties; and**
- **should involve an agreed accountability process to monitor negotiations and outcomes from agreements.**

The Partnership Framework will establish State-wide policies and administrative arrangements to support negotiations and agreements at the regional and local level.

The Partnership Framework will support Aboriginal people to negotiate regional and local agreements according to the priorities of Aboriginal people in partnership with other stakeholders.

The Partnership Framework should incorporate and be informed by separate agreements in the health, housing, essential services, native title, justice and other issues that impact on Aboriginal people in this State.

The Partnership Framework will address:

- **a whole of Government/community approach based on negotiated policy benchmarks and targets;**
- **regional negotiated agreements incorporating integrated planning involving ATSIC, community organisations and State and local government;**
- **agreed processes for audit and evaluation of negotiations and outcomes;**
- **reform of government and Aboriginal organisational infrastructure where required to ensure the implementation of the partnership agreement.**

STRUCTURE FOR CONTINUING DIALOGUE

The basic structure for continuing dialogue will be based on:

- Regular liaison between the Cabinet Standing Committee on Social Policy and the ATSIC State Council supported by the Aboriginal Peak Bodies;
- Regular meetings of the Indigenous Affairs Advisory Committee that will consist of the Minister for Indigenous Affairs, Directors General of other Government Departments, the ATSIC State Council supported by Aboriginal Peak Bodies to provide advice and to monitor progress being made;
- Regional plans using existing statutory processes for planning in Indigenous affairs; and
- Agreements applied at the local level.

Signed by _____

Date _____

**The Honourable Dr Geoff Gallop MLA
Premier for Western Australia**

Signed by _____

Date _____

**Mr Ian Trust
Chairperson, ATSIC WA State Council**

Witnessed by _____

Date _____

**The Honourable Alan Carpenter MLA
Minister for Indigenous Affairs**

Witnessed by _____

Date _____

Mr Geoff Clark, ATSIC National Chairman



SUBMISSION TO INQUIRY INTO CAPACITY BUILDING IN INDIGENOUS ABORIGINAL COMMUNITIES

BACKGROUND AND ISSUES

Since the 1970's Aboriginal affairs have been dominated by the involvement of the Commonwealth as the major funding body in Aboriginal affairs, and the application of two key guiding principles: self determination and self management. The challenge for agencies has been to develop and build Aboriginal communities' capacity for self-determination and self-management.

Employment and independent forms of wealth creation, along with the required education and skills, give Aboriginal people an opportunity to have greater opportunities and therefore the ability to determine their choice of lifestyle. Underpinning this is also the need for Aboriginal people to have quality housing, infrastructure and health facilities. Capacity building activities need to be accompanied by adequate delivery of services and facilities, otherwise we are setting up Aboriginal communities to reach only limited goals. Basic needs have to be addressed to ensure that the Aboriginal communities' goals can be accomplished.

Unfortunately, discrete Aboriginal communities are mostly economically depressed, dependent on government grants and Centrelink payments and there are few opportunities for real and meaningful employment or non "welfare" sources of income. Compounding this is the low base from which Aboriginal communities begin in relation to housing and infrastructure services and facilities.

Although self management is essential, the reality is that Aboriginal community management to date is still undertaken largely by non Aboriginal people, with a poorly trained and supported Council, and with a few Aboriginal people working in minor positions in the administration and CDEP teams. Aboriginal leadership in communities is essential for capacity building to be fully successful.

There are a number of reasons for the failure of this capacity building in Aboriginal communities:

1. Training to operate a complex organisation and take on key administrative positions is a long-term process.
2. Inadequacy of staff resources and skills to supervise, mentor and assist with on the job training.
3. Remote location of Aboriginal communities which does not provide for consistency of training or general support from specialist services.
4. Low levels of formal education achievement.
5. Family and cultural demands on the time of trainees/employees.
6. Sometimes a lack of commitment by trainees/employees to the demands of work.

7. Social problems which affect Aboriginal community members.
8. A high turnover of non-Aboriginal staff and therefore lack of consistency for training and supervision.
9. Limited education standard of many residents to run complex organisations.
10. Absence of real employment to motivate people (CDEP wage plus top up seems to be the main opportunity for employment in Aboriginal communities).
11. Government agencies drawing arbitrary lines in the sand over funding responsibilities and lack of consistency in application of funds (long-term planning for Aboriginal communities is difficult when funding is only provided on a year-to-year basis).

There needs to be a balance between training programmes for members and residents and the need for a functioning and stable organisation that can support and mentor staff. Training programmes should emphasise Aboriginal community management and the development of Councils, but they should also focus strongly on real employment and enterprise development, education and social issues that have the capacity to really impact on Aboriginal self determination. An employment and Aboriginal community development strategy should run in parallel but will only achieve results once the organisation is showing stability over time.

Desired outcomes of strategies to build capacity include:

- Realistic employment training and development programmes;
- Adequate financial and human resourcing;
- Involvement of specialist external support including local Shires;
- Improved agency coordination and support;
- Council training and development; and
- Improved service delivery.

POSSIBLE STRATEGIES FOR CAPACITY BUILDING

ELECTED COUNCILS DEVELOPMENT STRATEGIES

- Development of a common council training and development program and associated manuals/booklets, including a series of guides on important issues, for delivery to all Councils.
- Introduction of special skills development courses for councils in addition to normal council training. This would include negotiation with a mainstream local government council training provider to tailor specific courses to meet Aboriginal community level needs
- Negotiation of a mentoring programme between the relevant mainstream shire and Aboriginal community councils. This could be achieved through negotiation of a number of mechanisms including the mainstream council holding some meetings at Aboriginal communities on a rotational basis and Aboriginal communities forming a consultative body to the mainstream Council and thus participate in common and wider issues.
- Key agencies to promote the introduction of constitutional changes to allow external advice to Councils. This could take the form of one or two non - voting members of each Council who can provide advice in financial management and accounting, and service delivery areas. These members would need to be approved by a mechanism similar to that which applies to the approval of town clerks in the Northern Territory. This move is essential before consistent progress can be made and is common in mainstream private enterprise boards where members are recruited for their skills.

- Promote constitutional changes to incorporate fixed term councillors with half retiring every few years to allow for more consistency and the consolidation of skills over time and to bring in line with mainstream local government standards.

ABORIGINAL COMMUNITY MANAGEMENT AND HUMAN RESOURCING IMPROVEMENTS STRATEGIES

- Funding by the key agencies for the development of standardised duty statements, performance criteria and contracts in line with the Aboriginal Communities and Organisations Award for all positions including all administrative and supervisory positions.
- Provision of adequate human resources and in particular realistic salaries and incentives to reflect the isolation and difficulty of working in Aboriginal communities.
- Funding (100%) by key agencies of an appropriately resourced recruitment unit within an existing firm to provide an experienced, skilled and centralised service which would be responsible for recruitment in Aboriginal communities.
- Arrangements to be established to ensure sufficient quality staff housing – a specific ongoing annual allocation of funds to upgrade or build new housing to GEHA standard is required including the provision of furnishings.
- Grant funds to be allocated in each organisation's budget to enable staff to undertake specific skills training related to their duties.

INTERAGENCY COORDINATION IMPROVEMENT STRATEGIES

- Introduction of structured access only to Aboriginal community councils – access by government agencies and others to be brought in line with mainstream local government.
- Key agencies jointly review and rationalise staff resources to minimise duplication, improve coordination and in particular minimise the frequency of field visits to Aboriginal communities. This is particularly needed where agencies have a number of separate programmes and both regional and State staff.

STRATEGIES FOR IMPROVED SERVICE DELIVERY

- Introduction of a system of benchmarking for service delivery and practical performance management for Aboriginal communities that would provide a comparable service delivery format and a quantitative baseline to utilise in assessing organisational standards and performance.
- Key agencies to engage specialists to assist Aboriginal communities to negotiate increased service delivery from mainstream local governments in the areas of environmental health, town planning and building inspection services. The arrangements flowing from this may include the development of specific written service agreements based on a mixture of both local government funds and fee for service funds provided by key and other agencies.
- Fee for service payments to shires for the delivery of specific services that they are not otherwise funded for. The shires could then subcontract to the Aboriginal community whenever it had the capacity to undertake the work.
- CDEP needs to be reviewed in light of its current negative impact on capacity building efforts. Other systems need to be examined, including the introduction of mainstream award/ enterprise agreement rates of pay. One such system is that which exists through the Northern Territory Department of Local Government where real wages are allocated and paid to a smaller but more realistic number of workers in an Aboriginal community. This

strategy will not resolve all the problems collectively called commitment but will provide a positive basis for worker motivation.

The above strategies will bring about an improvement in Aboriginal community management and administration and in the delivery of services to Aboriginal community residents. It will however require the application of significant additional financial and human resources.

DEPARTMENT OF HOUSING AND WORKS CAPACITY BUILDING ACTIVITIES

The DHW, through the Aboriginal Housing and Infrastructure Unit, undertakes a number of housing and infrastructure related activities which aims to build the capacity of Aboriginal communities. Examples include:

- A strong focus on training and employing Aboriginal community members to undertake housing and infrastructure work in the community. Programs such as the Community Construction Program, Aboriginal Communities Strategic Investment Program (ACSIP), Remote Areas Essential Services Program and the Management Support Program (MSP) ensure that community members are given employment opportunities and the ability to gain formal qualifications.
- The Community Construction program uses preferential tendering to award tenders to Aboriginal community 'in-house' bids. That is, if Aboriginal communities have the desire and ability to construct their own housing then they will be awarded the contract over any other tenderer. The AHU also ensures that Aboriginal organisations are given preference as regional service providers over non-Aboriginal organisations.
- All AHU programs ensure that the community actively participates in the program delivery. For example, the community is consulted about the design, siting and the material to be used for houses, as well as signs off on the contractors to be used for program and project management.
- The AHU, through the MSP and ACSIP, have provided funding for salaries for Housing Officer positions in Indigenous Community Housing Organisations to ensure that houses are maintained and rent collected. In addition, ACSIP has provided funding for top-up salaries for Chief Executive Officer and Corporate Officer positions to ensure that appropriate people are attracted to the job and are paid in comparison to colleagues in similar organisations. Sound Aboriginal leadership in communities, though the Community Council and administrative staff is seen as essential for capacity building and for the community to function effectively. This however, has limitations as the DHW cannot sustain the funding of positions indefinitely.
- The ACSIP has community governance training as a cornerstone of the overall program.
- The State, Commonwealth and ATSIC have recently signed *The Agreement for the provision of Housing and Infrastructure for Aboriginal and Torres Strait Islander People In Western Australia* which will introduce the pooling of all housing and infrastructure funding in Western Australia to ensure that there is no duplication in service provision. The AHU is the program manager for all funds. The Agreement focuses on the provision of economic development opportunities for Indigenous organisations and the need to provide more training and employment opportunities in communities through housing and infrastructure projects.

SUBMISSION TO INQUIRY INTO CAPACITY BUILDING IN INDIGENOUS COMMUNITIES – DELIVERY OF SERVICES BY GOVERNMENT AND INDIGENOUS COMMUNITIES

Information Produced by Main Roads Western Australia

1. Background

- 1.1 The movement of groups of Aboriginal people from established towns to traditional tribal lands or “homelands” has been gathering pace over the last two decades and has accelerated significantly over the last decade.

Establishment of a larger stable communities and smaller transient outstation communities in remote areas of Western Australia has created significant problems in providing basic infrastructure, particularly access roads to these communities.

2. Nature of Access Road Problems in Western Australia

2.1 Community Development in Western Australia

The development of Western Australia has followed the progress of mining, agricultural, industrial and commercial development with towns and road systems matched to accommodate the requirements of these developments. In general, development has been systematic, methodical and coordinated by the various tiers of government and private investors, particularly at the Local Government level, whose role in providing community services is paramount in the sustainability of communities.

However, the establishment and development of Indigenous communities has generally not been systematic, methodical or well coordinated. This could be because the establishment of these communities is based on the spiritual affiliation with the land as a primary criterion, regardless of where the location of this land is with respect to existing towns and infrastructure.

The current situation regarding access roads to remote Indigenous communities is that in most instances access roads:

- are not systematically planned;
- are not designed to suit engineering and environmental requirements;
- are not constructed to any acceptable standard when opening up new communities;
- are not given a very high priority compared to other community service infrastructure by Community Councils;
- are not developed by any formal process – access roads tend to evolve ad hoc over time; and
- are given minimal funding by ATSIC for initial opening up of access to new communities with no formal ongoing funds to maintain or improve the access roads.

2.2 Western Australia's Road System

Western Australia's public road network comprises about 173,000 kilometres of roads. Accountability for this asset is shared by three tiers of Government: Federal, State and Local.

In attending to their respective responsibilities, each tier of government has different objectives in road management and can apply various classification standards for operational, administrative and funding purposes.

Currently the road system in Western Australia comprises National Highways (Commonwealth), Highways and Main Roads (State) and Local Roads (Local Governments).

In Western Australia there are a significant number of roads that access remote Indigenous communities which are not classified within the Acts of the three tiers of Government. These have been termed 'undedicated' roads and comprise about 2,500 kilometres based on a Main Roads WA study in 1992 (Main Roads Western Australia 1992) and subsequent growth in the establishment of remote Indigenous communities. These roads do not attract any road funding under the current formal arrangements or programs managed by the State Road Authority and Local Governments. It would be argued that these roads comprise a special road classification category.

2.3 Studies to Determine Access Road Problems

The nature and extent of the problem of access roads to remote Indigenous communities in Western Australia were highlighted in a report produced by Main Roads Department, Western Australia (1988) for the Department of Aboriginal Affairs (now Aboriginal and Torres Strait Islander Commission – ATSIC). This initial report documented road needs in a broad sense and developed the basis of a possible future road funding strategy to address these needs.

This study established that at the time, there were 5491 kilometres of unsealed roads providing access to 58 established or stable remote Aboriginal Communities; 1461 kilometres (26.6 per cent) of these roads were 'undedicated' roads.

A further study by Main Roads Western Australia (1992) established that there were 8961 kilometres of unsealed roads, of which 20.3 percent were 'undedicated', accessing 112 established or stable remote communities.

In 1999 the number of major communities and outstations was 290 as determined by ABS/ATSIC in the Community Housing and Infrastructure Survey and the State Environmental Health Needs Survey (1997); of these about 70 percent were in the Kimberley Region where about 26 percent of the State's Indigenous population reside.

Based on available demographic and statistical data, there has been a significant increase in the number of remote Indigenous communities and associated length of 'undedicated' access roads during the past decade.

2.4 Special References to Access Roads to Remote Indigenous Communities.

A tragedy in January 1990 on the Kidson Track north of Punmu community near the Rudall River National Park (in the Pilbara Region) increased concerns by remote Indigenous communities that safe and reliable access roads to the communities is a primary requirement. Two reports produced by senior consultant Peter Alexander (1990; 1991) for the State Government as a consequence of this tragedy highlighted the fact that roads, together with other major services and resource provisions, were inadequate to meet the requirements of remote Indigenous communities.

The Royal Commission into Aboriginal Deaths in Custody report (Commonwealth of Australia, 1991) and the Western Australian Government's response (Commonwealth of Australia, 1992) to the recommendations of the Royal Commission were also critical of the condition of access roads to remote Aboriginal Communities and of the inadequacy of funding for these roads.

The State Government's Report of the Task Force on Aboriginal Social Justice (1994) addressed the inadequacies of road infrastructure to remote Indigenous communities and

made recommendations to rectify these problems, particularly road funding, by a coordinated approach of the various tiers of government.

2.5 Problems Caused by Flooding

The problem of not adequately managing access roads to remote Indigenous communities in the Kimberley and Pilbara Regions in particular has been exacerbated frequently during the last decade and more recently at Kiwirrkurra as a result of extensive flooding. There have been several cases of communities being evacuated to neighbouring towns, viz Oombulgurri, Communities in the Fitzroy Valley and Kiwirrkurra. The frequent provision of expensive emergency supplies, generally by helicopter, highlights the inadequacy of access roads to these communities. This issue has also been highlighted during the investigation of the "Integration of Emergency Mitigation Strategies into Remote Indigenous Communities" by the Senior Officers Working Group of the State Mitigation Committee.

Flooding events, which are frequent during the northern 'wet season', highlight the following:

- (a) location of communities in a flood-prone area without adequate access or airstrip to accommodate all weather events;
- (b) inadequate road funding to undertake repair of damaged roads; and/or
- (c) inadequate labour and plant resources to undertake the works required within a reasonable time – due mainly to remoteness of the communities and transport problems associated with the poor condition of access roads to these communities.

3. Road Funding Issues

Possibly the most important factor underlying the problems associated with access roads to remote Indigenous communities in WA is that of inadequate road funding specifically to address the poor condition and ongoing management of these roads.

The requirements of the communities include:

- (a) safety and reliability of travel; and
- (b) a sufficient level of service to accommodate all service vehicles in addition to community vehicles.

3.1 Existing funding for unsealed access roads to Aboriginal communities includes:

- (a) Federal funding of untied Financial Assistance Grants (including Federal Local Road Funds) based on accepted formulae applied to each Local Government;
- (b) Federal funding of Special Projects applied to country bridges, access roads to Indigenous communities, flood damage repairs and projects that cannot normally be funded from local road funding. This funding category consists of 7 percent of the total Federal Local Road Grant. The special Project Grant represents two-thirds of the cost of each project with the State contributing an additional third;
- (c) State funding of specific projects; and
- (d) ATSIC funding of specific projects (difficult to determine due to allocation by Regional Councils).

3.2 Funding to upgrade and seal internal community roads

As an initiative to improve the health of Indigenous people in remote communities, the State allocated \$11.0 million from a major Road Improvement Program (Transform WA) which commenced in 1998/99. ATSIC has contributed jointly with the State on some projects and alone on others to improve internal community roads.

Funds provided in the Local Government Program (Main Roads Western Australia) for roads servicing Indigenous communities during the period 1997-98 to 2002-03 are shown in Table 1.

Table 1

Local Government program funding for roads accessing Indigenous communities and improvement to internal community roads; 1997-98 to 2002-03

Year	State (\$'000)	Federal* (\$'000)	Total (\$'000)
1997-98	2600	1330	3930
1998-99	3479**	1358	4837
1999-00	3496**	1392	4888
2000-01	3496**	1450	4946
2001-02	3496**	1507	5003
2002-03***	3496**	1575	5071

* This funding category consists of part of the 7 per cent Federal Local Road Grant for Special Projects paid to Local Governments by the WA Grants Commission. It does not include any Roads to Recovery Local Government Funds.

**Includes \$2.0 million for internal community roads.

***Program not yet approved.

4. Optional Strategies to Address Access Road Inadequacies.

The Main Roads Western Australia (1992) study carried out in association with ATSIC and the Aboriginal Affairs Planning Authority (now Department of Indigenous Affairs) produced two optional strategies to address access road inadequacies. These strategies were the Road Improvement Strategy and the Strategy to Establish Local Road Plant Organisations.

4.1 Road Improvement Strategy

This strategy proposed the upgrading of existing access roads based on established standards and primarily dependent on population serviced by the road with the work generally undertaken and managed by Local Governments.

4.2 Strategy to establish Local Road Plant Organisations

An alternative strategy was developed to equip a number of combined communities with basic road plant and support to enable the Indigenous people to carry out road works to a standard acceptable to them and in the case of work under Local Government control, to agreed standards.

4.3 Recommended Strategy

The 1992 Study determined that the strategy to establish local road plant organisations was the most effective strategy in the long term and provided flexibility in undertaking work in addition to significant benefits to Indigenous communities including responsibilities of community access road, skills improvement and employment opportunities. This strategy which was less costly and more beneficial to Indigenous communities was the recommended strategy.

The 1992 study acknowledged that existing road funding sources and programs would not adequately meet the requirement of either strategy. To make an impact on the access roads problem, a specific ongoing funding source was required.

5. Resolutions

5.1 General

The efforts of each tier of Government – Federal, State and Local – will be required to resolve the growing problems associated with access roads to Indigenous communities in Western Australia. It is a joint problem developed from policies of both Federal and State Government in particular.

It is clear that new communities, like towns, cannot be established without adequate infrastructure (including roads) and the additional necessary funding to establish and maintain the infrastructure.

There should be a formalised system implemented, which, in the case of roads, requires the necessary planning, design, construction, maintenance and funding of roads to Indigenous communities to be scheduled or programmed in a coordinated manner. This should occur at the time of community development, not after the community has been established – when Local Governments might be expected to carry the burden alone.

Both the Royal Commission into Aboriginal Deaths in Custody Report (1991) and the State Government Report of The Task Force on Aboriginal Social Justice (1994) highlighted the requirement for the various tiers of government to make a coordinated approach to resolve the issue of funding access roads to Indigenous communities.

5.2 Submissions to Federal Government

Submissions by the State Government to the Federal Government in 1993 and 1997 seeking a joint funding arrangement (Federal: State on a 2:1 funding basis) to address the problem of improving access roads and to provide a source of ongoing funding obtained acknowledgement of the problem and no solutions.

5.3 Other Submissions

Further Submissions to ATSIC in 1999 and Transport and Regional Services (Local Government) in 2000 also failed to provide any funding source or solution to the problem.

Although these submissions failed there needs to be a continuing effort by the three tiers of Government to resolve the issue.

Without adequate funding, developed strategies will not be implemented and the access roads to Indigenous communities in Western Australia **will not** be managed adequately or equitably. This will be to the detriment of Indigenous people.

6. Pilot Project – Road Plant Organisation

6.1 Overview

To enhance the possibility of future bilateral funding arrangements between the State and Commonwealth in particular, agreement was reached in 1997 between Main Roads Western Australia (State) and the ATSIC Kullarri Regional Council in Broome (Commonwealth) to proceed with the implementation of a pilot project to establish a road plant organisation involving Indigenous communities on the Dampier Peninsula north of

Broome. This approach was in accordance with the recommended strategy of the study by Main Roads Western Australia (1992).

6.2 Project

A project to establish an Indigenous road plant organisation on the Dampier Peninsula north of Broome commenced as a Pilot Project in September 1997, based on the collaboration of five major communities and three town based CDEP (Community Development Education Program) organisations in the Kullarri Region. The project was jointly funded by ATSIC and the State with support from DEETYA/DEWRSB, WADOT and CDEP.

Plant was purchased in Year 1 and initially located and managed from Lombadina which had security and workshop facilities available for use by the organisation. To maintain independence and entity, the road plant organisation (now Kullarri Network Association – KNA) has relocated to an established depot at Beagle Bay.

Training of nominated plant operators from the communities involved was a primary task following establishment and involved DEETYA/DEWRSB, WADOT and Industries Services Training as a training provider from the Northern Territory.

KNA was established primarily to maintain and improve 'undedicated' community access roads totalling about 800 kilometres. In addition the organisation undertook other minor community work (eg. fire breaks, drainage) and external contract work (eg. Shire of Broome).

6.3 Management

The management of KNA is undertaken by a Committee/Board with representatives from communities involved, with operational activities undertaken by a Manager, Roadwork's Supervisor and plant operators. Administrative support is provided by the Kullarri Aboriginal Association Inc. (KAA) which is located in Broome.

6.4 Budgets

Apart from the initial establishment budget, KNA's current annual operational budget is about \$500 000.00.

6.5 Achievement

The success of the KNA during the first four years of operation and the opportunity to be involved in the construction and improvement to the Broome – Cape Leveque Road provided the impetus to develop a long term Business Plan. The Business Plan would enable the Organisation to progress and develop further, enhance skills, complete training of operators and program maintenance/construction works.

6.6 Viability and Vulnerability

Although based on current and future works the Organisation's mid to long term viability seemed assured, ongoing funding from State and Commonwealth sources is an essential requirement, particularly during the next few years when plant needs to be replaced and additional plant purchased.

The Business Plan highlighted the vulnerability of the organisation during this period of major plant replacement, which would require a substantial increase in funding from State and Commonwealth sources.

In June 2002, ATSIC advised KNA that they would not be providing further funding to KNA due primarily to the future funding requirement identified in the Business Plan. This action has highlighted the weakness of a jointly funded project where ongoing funding through ATSIC was not guaranteed and places the future of KNA in jeopardy as it is unlikely the State can fund KNA alone without another long term funding source.

6.7 Future of KNA

The future of KNA beyond this current Financial Year is uncertain and is dependent on securing another long term funding source.

If KNA does not survive the funding crisis, management and improvement of 'undedicated' roads on the Dampier Peninsula will cease to the detriment of Indigenous people and communities.

7. Malarabah Region – Road Management Program

7.1 Overview

The Malarabah Region of the Kimberley consists of two main areas – the Fitzroy Valley and the Northern Gibb River area.

The issue of maintaining access roads to Indigenous communities within these diverse areas has been raised and discussed many times over the past decade without any consensus by the Indigenous communities and ATSIC Regional Council (Derby) to resolve the issue.

However, over the last two years the Regional Council has made a commitment to develop a project to provide road maintenance and improvement to access roads to communities in the Region. Funding has been allocated from ATSIC budgets to progress the task to establish a viable program with beneficial outcomes.

At the request of the Regional Council, the State has contributed a special grant of \$250,000.00 towards access road improvements

7.2 Proposal

Unlike KNA on the Dampier Peninsula, the Malarabah proposal consists of utilising existing community road plant as required in a coordinated program to undertake road maintenance and improvement works on specific networks of access roads.

7.3 Project Management

Malarabah Regional Council has appointed a Project Manager, experienced in infrastructure projects in Indigenous communities, to progress the development of a road management program for 'undedicated' access roads to Indigenous communities in the Malarabah Region.

7.4 Priorities

The initial priority of the program is to improve access to communities in the Fitzroy Valley, which is subject to flooding and isolation during the 'wet' season. The Malarabah Regional Council is working in conjunction with the Derby-West Kimberley Shire to improve access roads in this area.

7.5 Viability and Future

The success of this road management program is primarily dependent on adequate ongoing funding from both Commonwealth and State sources, without which the long term viability and certainty of managing these 'undedicated' community access roads will not be achieved

8. Indigenous communities – Construction and Sealing/Internal Community Roads

8.1 Project Initiative

An Aboriginal Community Strategic Investment Program (ACSIP) initiated by the State was implemented in 1998/99. The Program consisting of a range of projects, including the construction and sealing of internal community roads, was initiated to improve the health of Indigenous people in remote communities. Priorities were established based on a comprehensive health survey of communities.

8.2 Funding

The State provided \$11.0 million for the road projects as a component of the ten year Transform WA Road Improvement Program, managed by Main Roads Western Australia.

8.3 Projects

In 1998/99 projects in Jigalong and Oombulgurri were implemented and construction undertaken by Main Roads Western Australia.

To expedite projects, Main Roads Western Australia and Ministry of Housing (now Department of Housing and Works) implemented an agreement in 1999/00 whereby the Ministry of Housing project managed and provided advanced funding for community roads whilst Main Roads Western Australia repaid these funds as Transform WA Program funds became available (generally \$2.0 million per year).

The ACSIP Program also provided an opportunity for jointly funded projects between the Department of Housing and Works (DHW) and ATSIC, including the construction and sealing of internal community roads.

8.4 Community Benefits

Communities to benefit from these projects include: Jigalong, Oombulgurri, Bardi, Biyadanga, Kalumburu, Warakurna, Beagle Bay, Yandeearra, Mowanjum, Mardiwah Loop and Wongatha – Wonganarra. A conditional requirement of the State funding these projects was the implementation of an ongoing road maintenance programs, which are funded by DHW and delivered by Local Governments.

ATSIC has also funded additional internal community road projects such as Warburton, Buringurrah and Looma. However, there has not been any road maintenance programs implemented except in the case of Warburton, which is maintained by the Shire of Ngaanyatjarraku. The lack of ongoing maintenance in these communities will result in road failure and costly repairs in the long term.

8.5 Future Projects and Funding

Although the initiative to undertake these community road works is commended, there is no identified State funding source beyond the current \$11.0 million, the program for which will be completed in 2003/04.

Similar to funding 'undedicated' access roads to remote Indigenous communities, there is a lack of identifiable funding sources which can be used to undertake further road works which provide significant tangible benefits to Indigenous people and their communities.

9. Summary

In summary, this information has provided an overview of an issue which highlights the inequity and inadequacy of managing 'undedicated' access roads to remote Indigenous communities and internal community roads within Western Australia.

Based on Studies undertaken and Pilot projects to trial solutions, the securing of ongoing funding to maintain and improve these access roads, which currently do not attract formal road funding, is essential for the long term viability of access and the communities.

ATSIC does not see its function or core business as provision of road funds irrespective of roads being an **essential infrastructure item** in Indigenous community development. Only ad hoc road funding has been provided by ATSIC based on Regional Council priorities.

Assistance is sought to try to identify a Commonwealth source of funding that could be used in a jointly funded arrangement with the State to enhance development and operation of organisations such as KNA and Malarabah Region Road management program to address the lack of funding to manage 'undedicated' access roads. In addition, a Commonwealth funding source is also sought to enhance and progress the construction and sealing of internal community roads in a jointly funded arrangement with the State.

It is suggested that a meeting be arranged between the Commonwealth and State to discuss this funding issue further, which could include a presentation by the State.

10. References

Commonwealth of Australia (1991), The Royal Commission into Aboriginal Deaths in Custody (Vol. 2 and Vol. 5).

- (1992) Aboriginal Deaths in Custody – Response by Governments to the Royal Commission (Vol.1).

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Main Roads Western Australia (1998), Access Road Plant Organisation – Kimberley Region (Engineering Excellence Awards).

Peter Alexander and Associates Pty Ltd (1990). Safety in Emergency Situations, for Aboriginal People Located in Remote Areas of Western Australia.

- (1991) Inquiry into Services and Resource Provision to Remote Aboriginal Communities in Western Australia.

SUBMISSION TO INQUIRY INTO CAPACITY BUILDING IN INDIGENOUS COMMUNITIES

INTRODUCTION:

The Department was renamed the Department for Community Development on 1 July 2001. It is envisaged that the new Department would move towards a greater emphasis on building capacities and strengths of individuals, families and communities allowing them to shape their lives, while ensuring the safety, protection and care of those who are vulnerable. This will be facilitated by effective collaboration within government, building networks and developing partnerships with local government, the community and business sectors.

Aboriginal children, young people, individual adults and families are significant consumers of the Department's services.

The Department for Community Development believes that a comprehensive, whole of government and community approach that directs resources and programs to the wider social problems in communities is needed. At present there tends to be an emphasis on basic services in communities such as power, water and other infrastructure, with limited resources focused on the social and welfare needs of communities.

Overall, to assist Aboriginal communities effectively, community driven and supported development approaches are necessary. This is not to minimise government's role and responsibility in providing services to Aboriginal communities.

The Department is committed to delivering effective services to Aboriginal people. This is demonstrated by:

- Involving Aboriginal and Torres Strait Islander people in the developing and delivering of services. This includes the funding of non-government agencies both Aboriginal and non-Aboriginal to provide Aboriginal specific services.
- The employment of Aboriginal senior officers throughout the Department to assist with services in the Aboriginal community, including an Executive Director of Aboriginal and Torres Strait Islander Strategy and Coordination who is a member of Executive.
- The Department's new structure will include the establishment of an Aboriginal and Torres Strait Islander Strategy and Coordination Directorate to provide leadership on strategy, planning and coordination of services that impact on Aboriginal people.

- The Department currently consults internally with senior Aboriginal staff by the Aboriginal Advisory Committee (AAC). The AAC provides advice to Executive and on other key issues. It is intended to redevelop the AAC to include the capacity for external input.
- The updated Aboriginal and Torres Strait Islander Child Placement Principle will be included within the Department's new legislation including the new Adoption legislation and will focus on:
 - involvement of Aboriginal staff and community in the placement of Aboriginal children;
 - the importance of collaboration between agencies to coordinate services to achieve better outcomes for children;
 - the protection of children is to be a shared Government and community responsibility.

Strategic Initiatives:

The Department is involved with the following across Government initiatives:

- The signing of the Statement of Commitment to a New and Just Relationship between the Government of Western Australia together with the Aboriginal and Torres Strait Islander Commission (ATSIC) representing the Aboriginal community. This Statement outlines a framework for Government to work with Aboriginal people.
- The establishment of the Indigenous Affairs Advisory Committee (IAAC) chaired by the Minister for Indigenous Affairs. The IAAC is made up of Director Generals of key State Government departments (including DCD), Commonwealth and local government representatives together with ATSIC to work in partnership with Aboriginal groups. One of the main aims of the IAAC will be better use of resources.
- A priority initiative of the IAAC is addressing the Prevention of Child Abuse in Aboriginal Communities, for which DCD and ATSIC are the lead agencies. A preliminary report has been developed and endorsed by the IAAC with further work required on developing practical long, medium and short term strategies in dealing with this issue. The steering committee and working group is comprised of key departments both State and Commonwealth.
- In September 2001, the Community and Disability Services Minister's Council (CDSMC) and other Ministerial Advisory Councils committed to supporting the COAG reconciliation framework. A service delivery working party has developed an action plan that was accepted by the CDSMC in June this year. The action plan, developed to support the framework, identified the following priority areas: child safety and family well-being; family violence; the early years; disability services; and capacity building. Priority actions include investing in

community leadership and improved delivery of community services to Indigenous people.

- The Director General of the Department for Community Development chairs the across Government Early Years Taskforce. The Taskforce is charged with achieving across Government, inter-sectoral collaboration and community engagement in the planning and delivery of services for families with young children (0-8 years of age). Indigenous families will be a priority in this work.

Capacity Building:

The Department believes that coordinated strategies are required to support the building on the strengths of individuals, families and communities. These strategies need to be balanced with the requirement to prevent risk and build the capacities of communities.

Assisting communities and working with them to develop stable and sustainable governance and management structures that promote a foundation of safety, security and social stability are critical to Aboriginal people achieving social and emotional well-being, health, education and economic security.

Government can play a crucial role in supporting Aboriginal people to better manage their communities. Holistic solutions are needed with strong leadership from within the communities is also essential.

In some Aboriginal communities, child protection and family violence issues are masked until they become visible to public authorities. Developing a capacity for Aboriginal people and communities to recognise and deal with some of the concerns is essential. The Department has in place some strategies to work towards improving the capacity of communities:

- The Rural and Remote Initiative establishing family violence services in six rural and remote Aboriginal communities in the Kimberley and Pilbara. The main aim of the initiative is to assist communities to develop their own family safety services. To support the development of these services a community development project officer was appointed to work with communities for 18 months.
- The Department has developed 10 Memorandums of Understanding with remote Aboriginal communities in the Kimberley area of WA. These agreements form the basis for mutual cooperation between communities and the Department to work together in partnership to improve and strengthen the general well-being of children and families in the community. These are reviewed annually with each community.

- The Strong Families Project is a collaborative case management approach initiated by the SAFER Western Australia, Chief Executive Officer's working Group. The Project aims to: increase the capacity of agencies to provide coordinated, integrated and collaborative services to families; collaborative case management approach; and benefits families. The high proportions of the families involved are Aboriginal. The Strong Families initiative is currently being piloted in Midland and Albany.
- Best Start aims to improve the life opportunities for Indigenous children between the ages of zero to five by providing activities that will improve their health, educational opportunities, social and cultural development. Best Start works with the local Aboriginal community to identify and develop strategies that will address the particular needs of children in their community. Best Start operates in 13 locations throughout the state.
- The commitment of \$10 million to a suite of family strength initiatives that focus on the early years of a child's life. Services include four Aboriginal intensive family support home visiting services and in-home Practical Support Services specifically for Aboriginal families to assist with parenting.

Other initiatives/issues:

- The Department needs to be accessible to communities. The 'fly in fly out' approach to community development and the provision of coordinated government services is not effective, particularly for remote and vulnerable communities. It is important to bring the Department's resources together with other government and non-government agencies to effectively deal with this problem.
- Adopting a community development strategy would include the employment of dedicated community workers to work with leaders and members of communities (as per The Cape York Justice Study 2002).
- A well developed Aboriginal education and awareness raising strategy that promotes the importance of valuing children, healthy lives and healthy communities is also a critical societal intervention. This would complement community workers employed within communities.
- Establishment of an Aboriginal Leadership Centre where potential community leaders are identified and mentored. This is important to the development and maintenance of healthy communities, children and families.
- Consolidated engagement of local government authorities, regional planning authorities and other relevant agencies in planning to ensure basic amenities and infrastructure are available in Aboriginal communities.

Aboriginal Women

The Office for Women's Policy undertook to consult with Western Australian Indigenous women by initiating local gatherings to focus on the COAG 'Women and Reconciliation' action areas and the Ministers for the Status of Women key theme areas of:

- Leadership and Indigenous women
- Safety and Indigenous women;
- Economic Status and Indigenous Women

An Aboriginal project officer was employed to facilitate the meetings and to document the discussions.

A number of concerns were raised in relation to leadership in Aboriginal organisations. These were:

- Women are under represented in decision-making positions. Key positions are generally occupied by men. The women indicated that in traditional culture, gender equality is a key component of decision-making and they felt that it would be appropriate for equal representation of women in these organisations.
- Organisations such as the Aboriginal and Torres Strait Islander Commission (ATSIC) are seen to have limited capacity to hear women's voices.
- Nepotism is seen to dominate some organisations resulting in appointment to positions of people who do not always have the skills to perform the required duties.

The issue of safety attracted more discussion than any other. It appears that safety for Aboriginal women is interwoven with many other aspects of their lives. Many women raised what they believed was the 'hit and run' nature of service provision and suggested that longer visits would engender greater trust and therefore more likelihood of resolving crucial issues.

On economic status many Women identified lack of employment opportunity as a major factor impacting on their short and long term economic security. While they as women see serious impediments to their employment they are also impacted by the reality that Aboriginal men and young people are also likely to be unemployed.

Generally, Aboriginal women want to see improvements in many facets of their lives. They want to be treated with understanding and sensitivity to their culture; they want to be safe; they want increased meaningful employment opportunities; and they want access to services in a range of fields.

The Office for Women's Policy will continue ongoing consultation and collaboration with Aboriginal women that will form the basis of the Western Australian Aboriginal Women's Strategy 2002-2003.

The development of a national Action Plan on Women and Reconciliation has the potential to address these concerns and provide the framework for real improvements in the wellbeing of Aboriginal women.

Aboriginal Seniors

The Office of Seniors, identified a number of key issues for Aboriginal seniors within the WA community:

- Government needs to work holistically, rather than separating people into categories according to age for the purpose of service planning.
- There are considerable family obligations for Aboriginal seniors which limits retirement options.
- Grandparents can often be the main carers of their grandchildren which raises significant issues including income support and being recognised as having a right to speak on behalf of their grandchildren and having access to records on their grandchildren.

An initiative, which may assist in addressing some of the issues for Aboriginal seniors, is The Active Ageing Taskforce that is due to report in early 2003. This strategic initiative is to develop a 5-10 year policy framework for the ageing of the Western Australian population. This development of the framework will involve consultations with Department of Indigenous Affairs and Aboriginal people.

Jenni Collard
Principal Policy & Planning Officer
Aboriginal and Torres Strait Islander Strategy and Coordination Directorate

5 August 2002

Disability Services Commission

Submission to inquiry into capacity building in Indigenous communities

Introduction

The Disability Services Commission welcomes the opportunity to make a submission to the inquiry. The opportunity is timely for the Commission which is currently engaged in various projects which seek to improve its service provision to Indigenous communities. The Commission recognises the importance of building genuine partnerships with Indigenous groups and communities. By involving members of Indigenous communities in the design and delivery of services that the Commission funds, it is anticipated that one can draw upon the strengths and capacities present in these groups and hence create more sustainable communities.

Vision and Goals of the Commission

The Vision describes the future towards which the Commission is working, and underpins all work undertaken by the Commission.

All people live in welcoming communities that provide friendship, mutual support and a 'fair go' for everyone, including people with disabilities, their families and carers.

In working towards this vision, three key goals have been developed and a number of strategies identified for each goal. These goals are concerned with strengthening community capacity at all levels.

Goal 1: Strengthen Individuals, Families and Carers – To protect the rights of people with disabilities and to promote the importance of individuals, families and carers in being able to influence what happens to people with disabilities in Western Australia.

Goal 2: Strengthen Communities – To acknowledge, educate and assist communities throughout Western Australia in their role of supporting people with disabilities, families and carers.

Goal 3: Strengthen Partnerships and Support Services – To ensure that partnerships and support services are developed to achieve the best possible outcomes for people with disabilities.

These goals are closely aligned with the terms of reference for this inquiry.

Terms of Reference

The Terms of Reference for this inquiry refers to the importance of identifying strategies to assist the Indigenous population by building the capacity 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.

Capacity Building in Indigenous Communities

The Commission acknowledges that improved outcomes for people with disabilities and their carers are closely linked to increased responsibility at a local level in terms of the decision-making process. In order to provide culturally appropriate services key stakeholders need to be included in the design and delivery of services. There is a focus within the Commission on gaining a deeper understanding of the unique needs and issues facing Indigenous people with disabilities. With the aim of increasing knowledge in this area, the Commission has initiated and funded a number of new and innovative projects.

Much of the work the Commission undertakes in Indigenous communities involves Local Area Coordinators (LACs). Local Area Coordination is guided by a set of principles and values which revolve around building individual, family and community self-sufficiency. LACs play a key role in strengthening community capacity both in rural and urban areas. They do this by supporting people with disabilities, their families and carers to live in their own communities and pursue their own lifestyle by building relationships and assisting them in making connections with local community members, groups and agencies.

Recently two LACs working in the Kimberley region were awarded the Ray Young Scholarship to travel to the Northern Territory and Queensland to investigate best practice models for Indigenous people with disabilities residing in rural and remote areas. The Kimberley Co-worker Program was developed as a result of this study.

- The Kimberley Co-worker Program. The Commission recognises the importance of building strong networks within the community to better assist people with disabilities. The 'Co-worker Program' is currently being trialed in three remote Kimberley communities. Indigenous persons already working for services funded under HACC (Health and Community Care Services) and CDEP (Community Development Employment Program) programs in Balgo, Bidyadanga and Looma, are operating in partnership with the Commission as the local contacts for people with disabilities. The 'Co-workers' also provide relevant information to people with

disabilities and assist LACs in making contacts with local members in the communities. The aim of this program is to increase the control Indigenous people with disabilities, their families and carers have over service delivery and management.

Other innovative projects aimed at building community capacity in Indigenous communities that the Commission funds and/or support include:

- Support/liaison Officer to Therapy Professionals. The Commission is currently investigating sources for funding to recruit an Indigenous person to act as a support/liaison officer for therapists working for the Commission. It is anticipated that this person will work alongside therapists and assist them in building relationships with members of the local Indigenous communities.
- East Kimberley Family Support Association. The Commission is working closely together with the East Kimberley Family Support Association in seeking to generate alternative information strategies for Indigenous people with disabilities, their families and carers. By providing these groups with information about services in an appropriate format (such as pictorials and simple messages in English) it is possible to raise awareness of what services and supports are available to assist Indigenous carers. These strategies are being developed and implemented in conjunction with language centres in Kununurra and Halls Creek.
- East Kimberley Family Support Association. The Commission also provides funding to a respite retreat program for Indigenous carers run by the East Kimberley Family Support Association. The aim of the retreat is to provide Indigenous carers with an opportunity to share information and experiences of caring in order to assist each other.
- Disability in the Arts, Disadvantage in the Arts WA (DADAA). With the aim of developing culturally sensitive ways to deliver carer services for the Western Desert communities of Punmu, Parnngurr and Kunawarritji the Commission has allocated funding to DADAA under the 'Caring for the Carers' initiative. DADAA is to work together with members of these communities and other service providers to develop a way of communicating this knowledge through story telling and the creation of a storybook.
- Pilbara Homecare. This organisation provides a flexible range of carer and respite support options to Indigenous families living in the Pilbara. Service needs, and how to best address these, are determined in consultations with clients and carers. The Commission funded an Indigenous support worker to visit Indigenous people with disabilities and their families in Pilbara communities to establish their respite needs and develop local solutions. Recurrent funding has been allocated to provide flexible respite services through the services of an Indigenous support worker.

- Ngaanyatjarra Pitjantjatjara Yankunytjatjar Women's Council Aboriginal Corporation (NPYWC). Currently funding for NPYWC projects is made through a tripartite agreement between the South Australian, Northern Territory and West Australian governments. Many of NPYWC services are operated by project teams comprising a local Aboriginal and a non-Aboriginal professional worker. The purpose of these collaborations is to share skills, and for the professional worker to take advantage of the specific cultural knowledge, language, experience and networks of the local worker. All NPYWC projects are built on the principle of strengthening the capacities of Aboriginal people with disabilities, their families and carers within their communities. People with disabilities and their families are actively involved in determining and designing supports most appropriate to their needs. There is an ongoing commitment from the Commission to provide recurrent funding for therapy services to people with disabilities on the lands of the Anangu¹ people (on the West Australian side of the border). The Commission is currently involved in negotiations to possibly fund flexible and responsive respite services for the Anangu people through a formalised purchasing agreement with NPYWC.
- Further collaborative efforts based on the NPYWC programs. In order to establish a better understanding of the Commission's role in Indigenous communities and to be able to facilitate greater access to services, the LAC supervisor from Kalgoorlie travelled to the NPYWC lands to meet with workers and establish mutual support networks. Two NPYWC workers were also invited to attend a two-week Leadership program organised by the Commission (through Edith Cowan University) so that they may develop an understanding of the vision and goals of the Commission. Similar collaborative efforts have taken place between the Western Desert Corporation and LACs in the Pilbara.
- Western Desert Puntukurnuparna Aboriginal Corporation. The Commission provides funding towards flexible respite initiatives provided by the Western Desert Puntukurnuparna Aboriginal Corporation to Indigenous people with disabilities and their families and carers. This organisation acts as a coordinating body for several major stakeholders, amongst them the relevant Commonwealth departments, the Health Department of Western Australia and the Commission. Key stakeholders are actively engaged in identifying and developing culturally appropriate respite initiatives.
- Roeburne LAC 'Drop-In Service'. In order to increase access to available services in the Pilbara region an LAC 'drop-in service' has been established in an Aboriginal agency that provide services to the Indigenous population. The traditional form of service provision provided by LACs (who most commonly go on home visits to people with disabilities and their families) has been identified as a barrier for access to services by some Indigenous people. The aim of the 'drop-in service' is to provide a less formalised type of service in an environment where there is a focus on working collaboratively with people with disabilities and their extended families. By building relationships with families, community agencies and service providers LACs

¹ Anangu means an Aboriginal person from the Lands.

seeks to support clients and carers by providing linkages and information to encourage the use of existing community resources.

The Commission recognises the importance of creating strong cooperative partnerships with Indigenous communities. In order to improve services it is essential to recognise the unique needs and issues of Indigenous people with disabilities, their families, carers and communities, and to engage these key stakeholders at all levels of planning and execution of service delivery.

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Department of Culture and the Arts

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

Inquiry into Capacity Building in Indigenous Communities

The Department of Culture and the Arts incorporates the portfolio agencies of ArtsWA, the State Library of Western Australia, the WA Museum, the State Records Office, ScreenWest and the Art Gallery.

The following agencies have provided comments for inclusion in this submission – ArtsWA, State Library of Western Australia and the State Records Office.

ArtsWA

ArtsWA believes that there is enormous potential for capacity building in Indigenous communities in the arts and cultural sector. Currently, supply of Indigenous art does not meet the demand in the areas of the visual arts and performing arts.

ArtsWA works to improve the capacity of Indigenous artists and communities to achieve sustainable development through its grants funding program. For example, ArtsWA recently provided support to an individual artist to exhibit in Sydney at the Hogarth Galleries. It was his first solo exhibition and sold out. This artist's profile has increased dramatically as a result and he is now continuing to work on commissions as a direct result of this activity.

New strategies currently being developed through ArtsWA include a regional arts employment advisor and an International Marketing Pilot Project for Indigenous Performing Arts. More detail on ArtsWA's activity is outlined below.

Indigenous Arts Panel

Support for traditional and contemporary Aboriginal and Torres Strait Islander arts and culture is a priority for the State of Western Australia. The seven-member panel is made up of Indigenous artists and representatives from around Western Australia. The Panel assesses applications for financial assistance with arts projects from Aboriginal or Torres Strait Islander artists, groups and organisations. Applications can be in any art form area other than film, television and radio. Each year approximately \$220,000 of funding is distributed to Indigenous artists and arts groups through the Indigenous Arts Panel.

The Indigenous Arts Panel has adopted the program principles developed by the Australia Council's Aboriginal and Torres Strait Islander Board. These

principles fall within five key areas: Respect, Authority, Right and Responsibilities and Diversity.

Base funding for two Indigenous arts organisations

ArtsWA provides base funding for two Indigenous arts organisations:

- Yirra Yaakin Noongar Theatre Company; and
- Magabala Books Aboriginal Corporation.

Yirra Yaakin Noongar Theatre Company

Yirra Yaakin is an Indigenous corporation that operates as a professional theatre company as well as incorporating community events and providing opportunities for creative and professional development for actors and artistic directors. The key focus is the development of Indigenous Artists.

Current Funding from ArtsWA: \$204,750

Magabala Books Aboriginal Corporation

Magabala Books is an Indigenous Publishing House established as an Indigenous Corporation based in Broome. The primary focus for the organisation is publishing works by Indigenous authors. The Corporation has recently increased its National profile through marketing and distribution expansion.

Current Funding from ArtsWA: \$146,775

Indigenous Arts Policy

ArtsWA is developing an Indigenous Arts Policy in close consultation with the Indigenous Arts Panel. The Policy will reflect the priorities identified by the Panel for arts development, business development and capacity building with the underlying principles, being equity and access for Indigenous artists and communities.

Alliances in Support of Indigenous Arts

ArtsWA works closely with the Department of Commerce & Trade's Office of Aboriginal Economic Development on a range of activities that deliver benefits to Aboriginal and Indigenous artists and their communities. Since 1998 ArtsWA has sponsored the Indigenous Business Awards coordinated by the Office of Aboriginal Economic Development.

ArtsWA is also working closely with the National Indigenous Arts Advocacy Association (NIAAA) to distribute information to communities on the Label of Authenticity. The Label of Authenticity has been developed following nearly a decade of community consultation. It aims to promote genuine Aboriginal and Torres Strait Islander product, offering reassurance of the authenticity of purchases and improving the return on sales for artists.

The Indigenous Regional Skills Development Project through the Artist's Foundation of Western Australia.

As a strategy to increase the capacity of Indigenous artists and communities, ArtsWA is working in partnership with the Artist's Foundation of Western

Australia. The Australia Council, the Department of Industry and Technology and Country Arts WA are providing additional 'funding' support for the project. The project focus is on developing the skills of Indigenous artists in the regions and will employ an Indigenous Arts Projects Coordinator to identify and assist Indigenous artists with professional development.

In the first instance the project will be a two year program of targeted assistance in the Mid - West, Goldfields - Esperance and parts of the Great Southern regions. The project aims to improve access, equity and employment growth for Indigenous artists living in the regions.

The first part of the project is designed to locate Indigenous artists and assist with the development of skills specifically important to their aspirations. A second arm of the program of activities includes working with Local, State and Federal Government Agencies and the corporate sector to encourage the growth of employment and commissioning opportunities for artists.

ArtsWA will take an active role in the management of this position through the involvement of its Indigenous Arts Officer on an advisory panel and through mentoring the Skills Development Officer on several occasions in the regions.

The Indigenous Arts Showcase, Perth International Arts Festival, 2003; an International Marketing Pilot project.

The Indigenous Arts Showcase is supported by ArtsWA, the Department of Industry and Technology's Office of Aboriginal Economic Development (OAED) and The Perth International Arts Festival (PIAF). It will profile WA's leading Indigenous musicians and performers during the Perth International Arts Festival, 2003, to present WA's market-ready Indigenous cultural product for international and Australian buyers. With an emphasis on quality, consultation and evaluation, the goal is to develop a sustainable promotional vehicle for WA's Indigenous contemporary music and performing arts. Its focus is to develop and attract new markets and audience base for those Indigenous performers who are product ready and have the capacity to develop their audience both nationally and internationally.

The Showcase is part of a larger marketing strategy to market Indigenous Western Australian art and contemporary music to national and international audiences. It was initially conceived at a forum in Mandurah, Western Australia, in 2001, which brought together artists and industry representatives from across the state and was funded by the Office of Aboriginal Economic Development (OAED) and ArtsWA.

The Mandurah forum identified a large gap, which exists for Indigenous artists in Western Australia in terms of opportunities internationally and nationally. The forum looked at the viability of an Indigenous Arts Marketing Collective and strategies to promote Indigenous Arts in Western Australia with the focus on marketing and tourism.

Parallel to the Showcase and Collective Projects, ArtsWA will continue to develop ongoing support mechanisms for artists to increase their capacity to attract international and national audiences. ArtsWA and the OAED will refer to models such as artists@work, an agency based in Tasmania specifically set up to assist artists to develop their product for international and national markets. ArtsWA and the OAED will develop a series of workshops, which potentially lead to a similar support network being established in Western Australia.

State Library of Western Australia

This submission on the Terms of Reference of the Inquiry is from the perspective of a State Government agency keen to build its own capacity to deliver culturally appropriate services to Indigenous peoples and communities (i.e. Terms of Reference (c)). In particular, the State Library's experiences may inform the Committee of Inquiry's consideration of the questions:

To what extent are governments and their agencies building genuine partnerships with indigenous groups, are these partnerships leading to better services and improvements in communities?

The State Library of Western Australia is responsible for the functions of the State Reference Library and the JS Battye Library of West Australian History, both of which deliver services directly to the public. In addition, there are 238 public libraries in Western Australia provided through a partnership between State and Local Government. In accordance with formal agreements made pursuant to the Library Board of WA Act 1951-83, the State Library provides library resources and in-kind services, such as consultancy and training, while Local Governments provide buildings, staff and operating expenses and are responsible for delivery of services to their respective communities.

Public Library Services and Indigenous Peoples

In October 2001, Public Library Services (PLS), of what were then The Library and Information Service of Western Australia (now State Library of Western Australia), presented a paper to the Library Board that recommended the establishment of new arrangements/agreements for the provision of library services specially designed to meet the needs of Aboriginal Western Australians.

The arrangements would need to accommodate:

- Library services to Aboriginal Western Australians in regional and remote communities; and

- Library services to Aboriginal Western Australians accessing existing Local Government public libraries.

Prior to this, over a number of years, the State Library has initiated several significant projects that have established valid principles and effective strategies that continue to be useful in the further development of service delivery to Aboriginal and Torres Strait Islander peoples in Western Australia. These initiatives include:

- *Aboriginal and Torres Strait Islander Outreach Project, 1993.* A joint project by the Western Australian Local Government Librarians Association and the State Library of WA (then LISWA) to assess the needs of Aboriginal people in relation to public libraries and to develop practical strategies to overcome barriers to library use by Aboriginal people. This culminated in the publication of *Bridging the Gap: Appropriate and Accessible Public Library Services to Aboriginal and Torres Strait Islanders.*
- *A Public Library Aboriginal and Torres Strait Islander Services Plan,* published by the Library Board of Western Australia in 1995. Included strategies based on recommendations from the 1993 project further developed through consultation with Aboriginal spokespeople and Local Government.
- In 1997 a second plan produced by the State Reference Library and the JS Battye Library of West Australian History complemented the first publication.

Current Library Services

Currently the State Library supports library services at three Aboriginal Communities: Wirrimanu (Balgo Hills), commenced 1985, Kupungarri, opened 1991 and Warburton, 1999.

The Wirrimanu (Balgo Hills) arrangement comprises a bulk loan of 150 items every six months directly from PLS; Kupungarri began as a four-way agreement involving the school, the Aboriginal Community, the Shire of Derby-West Kimberley and the Library Board, while Warburton is a three-way agreement between the Ngaanyatjarra Council (Aboriginal Corporation), the Shire of Ngaanyatjarraku and the Board.

The Ngaanyatjarra Community Library at Warburton was developed by PLS with the intention of providing a model that could be emulated elsewhere. Although its full potential has not yet been realised, the extensive community consultation that took place and the strong support from the Aboriginal Community leaders as well as the cooperation and financial support provided by the Shire of Ngaanyatjarraku has resulted in a very successful and popular library service at Warburton.

Constraints

Through experience, PLS has learnt that there is no single model or arrangement that addresses the unique range of challenges and issues presented by service delivery to Aboriginal communities. What is clear is that it is difficult to deliver effective services to Aboriginal people within the framework of the traditional systems operated by the State Library as, in the main, collections currently residing in public libraries are considered to be culturally inappropriate. Consideration is currently being given to addressing the need for alternative methods of resource provision and service delivery.

Notwithstanding the State Library's positive approach to improving service delivery and some successful initiatives involving indigenous communities, the fact remains that success has been limited in terms of making a significant difference to service delivery for Aboriginal and Torres Strait Islanders across WA. A number of factors limit the capacity of this agency to improve individual and community outcomes for indigenous people, including:

- Vast distances and associated costs of travel within Western Australia limit opportunities for consultations and development of relationships with indigenous communities.
- The continuously changing nature of indigenous community life and lack of familiarity with governance and management structures within indigenous communities. Lack of expertise and knowledge within the State Library of culturally appropriate protocols for involving indigenous people at the community level in the planning and development of services.
- Under representation of indigenous people on the staff of the State Library. Past attempts to implement indigenous employment strategies have been hampered by a lack of awareness amongst indigenous peoples of the roles of libraries and archives and of the range of employment opportunities available.
- An ad hoc approach to coordination of efforts with other government agencies. Recently, the Western Australian Government committed to work in a whole of government manner consistent with the Council of Australian Governments reconciliation framework.
- Diversity of indigenous communities and the need to consider indigenous communities in urban situations as well as in remote communities – no single model applies.
- Perceived lack of relevance of, and low priority placed on, services offered by the State Library by indigenous communities.

Pilot Program

The State Library is currently considering a proposal for a pilot program that would build on experience and knowledge already gained. The pilot would identify common elements that can be adopted across WA and further address the associated practical issues in service delivery whilst ensuring that a fair degree of customisation is maintained. For example, the involvement of Aboriginal people in the planning and development of services is an essential common element but how this involvement is to be achieved will vary for the particular communities concerned. Similarly, provision of appropriate resources is an essential element but who and what determines "appropriateness" may vary according to geographic region and to specific community needs.

Locations for the pilot have not yet been finalised but are likely to be locations with established 'public' libraries, each of which is the responsibility of Local Government in a formal agreement with the Library Board. Should it proceed, the pilot will inform consideration of the long-term viability and sustainability of established public libraries where the population is predominantly aboriginal.

It is envisaged that the program would involve a number of key contributors including the respective indigenous communities, a range of State and Local Government agencies and indigenous organisations.

JS Battye Library and Indigenous Peoples

The Battye Library collects published and original materials in a range of formats pertaining to Western Australia.

The Battye Library has undertaken a number of initiatives and is developing partnerships with a range of Aboriginal organisations and individuals, including the following.

- In April 2001, at the request of an invitation from the Mirima Council (Kimberley region) and with the help of funding provided by ATSIC, a staff member of the Battye Library and the Senior Conservator carried out an assessment of the language archives collection of the Dawang Woorlab-gerring Language and Culture Centre in Kununurra. The preservation strategy included advice on environmental control, archival packaging, preservation copying, pest control, disaster preparedness, off-site storage and preservation of archival material. In addition, a draft management policy was prepared to advise staff on procedures for future management.
- The J S Battye Library of West Australian History, with the support of the Friends of Battye Library and the Maude Sholl Bequest, have

hired a researcher to work on a *Guide to the Aboriginal records of the Battye Library*. The guide, which will identify original records relating to the Aboriginal people of Western Australian, will be published at the end of 2002. The guide will be invaluable for researchers, genealogists and Aboriginal family historians.

- Following a meeting with representatives of Manguri and the Uniting Church Archivist, a formal procedure was adopted for providing Aboriginal people with access to the personal records created by the former Sister Kate's Children's Home which are kept in the Battye Library.
- Images from Battye's Pictorial Collection were digitised for inclusion on the Aboriginal Cultural Pathways panels prepared by the Centenary of Bassendean in consultation with the Swan Valley Noongar Community and indigenous families of the district.
- Negotiations with Aboriginal people in the Northwest were successfully concluded concerning some footage in an important film in the State Film Archives. In consultation with the Jarlmadangah Burru Community, the archivist edited images of culturally confidential ceremonies from access copies provided to the general public. The community members expressed satisfaction with the State Library's response and have designated the State Film Archivist as "trustee of the film".
- The important donation of photographs of Warburton and the Mt Margaret Aboriginal Mission from the early 1920s to the 1960s received from the family of Rod Schenk who were missionaries at Mt Margaret is being processed and digitized. Once digitization is complete a copy of the collection will be made available to the Warburton community. Work on this major project is expected to be complete by the end of 2002.
- The Office of Native Title is working to develop a statewide protocol for dealing with restricted records for the purposes of native title research in response to a recommendation from the Wand report. The Battye Library and other concerned State Government agencies are on a working party contributing to the development of these guidelines. Guidelines specifically for connection reports are intended to be submitted to the Cabinet Standing Committee on Native Title in August.
- The Battye Library has worked with Building Solid Families workers from around the State to introduce them to the resources held in the Battye Library, which may assist their clients. A number of tours were conducted for the workers.

State Records Office

The State Records Office (SRO) can provide Aboriginal people with information about their family and their community's past. This information is documented in records of the former Native Welfare Department, which are held in the State Archives collection at the SRO. Records held in this collection, that would be of interest to Aboriginal communities, are described on the SRO website (www.sro.wa.gov.au) The records may be consulted at the State Records Office search room, situated in the Alexander Library Building in central Perth.

The State Records Office is represented on two interagency committees that are concerned with service delivery to Aboriginal communities; the Family Records Taskforce, which is the peak body established to implement the record keeping provisions of the *Bringing Them Home Report in WA*, and a Research Group convened in the wake of the *WAND Report* by the Native Title Unit of the Department of Premier and Cabinet to better facilitate native title research. Also the Department of Indigenous Affairs and the SRO are currently developing better ways of preserving and providing access to records of interest to Aboriginal family historians and Native Title researchers.

The State Records Office can provide customised record keeping advice and training to Aboriginal communities with the aim of ensuring that all records created or received by those communities are appropriately documented and preserved.

Concluding remarks

Additional information is available on any of the issues and projects outlined, initial enquiries should be directed through Ellis Griffiths, Director Planning and Policy Division contact (08) 9224 7421 or email ellisg@dca.wa.gov.au

DEPARTMENT OF CULTURE AND THE ARTS

Economic Independence

Future Issues and Actions

- The principles and policy outlined below will include a commitment to strategies that promote greater economic independence for Indigenous artists and arts organisations.

Reviewing and Re-engineering Programs and Services for Better Outcomes

Activities Undertaken

- The Policy and Planning Unit has received Ministerial approval for an outline of eight principles that will underpin all of the Department's arts and cultural policies. These principles highlight the importance of access and equity for all Western Australians to arts and cultural activities. The following principle relates specifically to Indigenous peoples:

It is fundamentally important to support the preservation and development of Indigenous art and culture as an integral part of Western Australia's cultural heritage and contemporary arts activity. The policy commits to involving and working with Indigenous communities in all stages of the development of policies and projects.

- The Unit has Ministerial approval for the development of an Indigenous Arts And Cultural Statement of Principles and Action Plan. The Statement of Principles will underpin the portfolio's work across all issues relating to Indigenous art and culture. The Plan will:
 - Articulate the Department of Culture and the Arts' position and support towards the *Government's Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians*.
 - Provide an overarching framework or reference point for the policies of all the portfolio agencies in relation to Indigenous Western Australians.
 - Provide a foundation, plan and targets for Department of Culture and the Arts programs and policies in relation to Indigenous staff and clients.

Consultation and partnerships with Indigenous people

- The Planning and Policy Unit will engage an Indigenous person to coordinate and inform the Aboriginal Arts and Culture policy development process.
- The Department's commitment to consultation with Indigenous people at all stages of policy development is outlined in the guiding principle highlighted earlier.

Data improvement and Benchmarking

- A number of key indicators will be identified during the Indigenous Arts and Culture policy development phase, to measure the impact and effectiveness of the Policy and Statement of Principles.

Future Issues and Actions

- Development of the Indigenous Arts and Culture Statement of Principles and Action Plan commenced in February 2002. It is anticipated that the Principles and Policy will be launched in late 2002.

Community Leadership

Activities Undertaken

- Nyoongar elders/representatives were invited to speak at the Business and the Arts Dinner and paid speakers' fees. This practice will be continued at all major events managed by the Department of Culture and the Arts.

WA MUSEUM

Economic Independence

Activities undertaken

- *Profiling artists*
Many museum public programs involve Aboriginal artists and agencies. The presentation and profiling of artists within the WA Museum expands public awareness of the high quality and diversity of work being produced by Aboriginal artists in Western Australia.
A changing exhibition program in the Museum's *Katta Djinoong* gallery highlights the work of WA Aboriginal artists, potentially increasing their economic viability.
- *Education officer*
An Aboriginal education officer is employed on a casual basis to interpret the Museum's exhibition *Katta Djinoong* for primary and secondary students.
- *Training programs*
The Museum Assistance Program runs training courses for individuals and organisations interested in establishing and maintaining cultural centres, keeping places, or museums. It actively seeks Aboriginal involvement in and attendance at these courses. It holds an annual course in Perth and also runs courses and seminars regionally. These have been well attended by Aboriginal people.

Consultation and partnerships with Indigenous people

- The Museum's primary forum for consultation is through its Aboriginal Advisory Committee. Exhibitions have been developed with a number of individual artists, see below.
- *Training programs*
The Museum Assistance program continues to work with various Aboriginal groups keen to develop culture centres in the Kimberley, Pilbara, Gascoyne, Eastern Goldfields and South West.
- *Specific short-term projects*
The WA Museum is working with Albany Aboriginal communities in the planning and implementation of a tourism project related to local fishtraps. As part of the interpretation the Museum is excavating these traps in partnership with local indigenous communities.

The WA Museum is both profiling and also providing an economic outlet for Indigenous artists in rural WA by providing a physical space for the Marra Aboriginal Corporation at the new Geraldton Museum.

Outcomes

- *Profiling artists*
During 2001 the work of four artists was profiled in the *Katta Djinoong* changing exhibition space: Ngaara, Valerie Takao Binder, Julie Weekes and Christine Latham. One of the galleries representing their work noted that many tourists indicated they had seen the work at the Museum gallery. The Museum partnered the Perth International Arts Festival (PIAF) in an installation of Valerie Tako Binder's work. In addition the Reconciliation Arch exhibition was a partnership between the Museum's artist in residence Jo Darbyshire and Indigenous artist Andrea Williams.
- *Education officer*
The response to the classes run by the Museum's Aboriginal education officer is overwhelmingly positive and the experience potentially lessens prejudice for many of the students.

Reviewing and Re-engineering Programs and Services for Better Outcomes

Activities undertaken

- Expanding on representation of indigenous issues in Museums as profiled in the Aboriginal gallery *Katta Djinoong*, the gallery *Western Australia: Land and People* links the story of WA Aboriginal people inextricably with the story of the state Aboriginal heritage. Geraldton is strongly profiled in the new exhibition in the MidWest Gallery of the WA Museum.

Community Leadership

Activities undertaken

- Staff from the State Library again collaborated with the Coalition of Peoples WA Inc, and other agencies, on the second *Survival Photographic Exhibition*. Launched at the WA Museum on 5 January 2001, the exhibition featured contemporary and historical photographs of indigenous Western Australians, many drawn from the extensive collections in the Battye Library. This was a major undertaking and involved many hours of work in designing and scanning images for the exhibition.
- The important donation of photographs of Warburton and the Mt Margaret Aboriginal Mission from the early 1920s to the 1960s, received from the family of Rod Schenk who were missionaries at Mt Margaret, is being processed and digitised. Once digitisation is complete, a copy of the collection will be made available to the Warburton community. Work on this major project is expected to be complete by the end of 2002

Consultation and partnerships with indigenous people

- Following a meeting with representatives of Manguri and the Uniting Church Archivist, a formal procedure was developed for providing Aboriginal people with access to the personal records created by the former Sister Kate's Children's Home which are kept in the Battye Library.
- Images from the Pictorial Collection were digitised for inclusion on the Aboriginal Cultural Pathway panels prepared by the Centenary of Bassendean in consultation with the Swan Valley Noongar Community and Indigenous families of the district.
- Negotiations with Aboriginal people in the North West were successfully concluded concerning some footage in an important film in the State Film Archives. In consultation with the Jarlmadangah Burru community, the archivist edited images of culturally confidential ceremonies from access copies provided to the general public. The community members expressed pleasure with the State Library's response and have designated the State Film Archivist as 'trustee of the film'.
- Workers from the Building Solid Families program from around the State were introduced to those resources in the Battye Library which may assist their clients. A number of tours of the library were conducted for the workers.

Consultation and partnerships with indigenous people

- The Museum's Aboriginal Advisory Board and members of various communities (Warburton in particular) worked in conjunction with curatorial and exhibition staff to develop *WA: Land and People* to ensure that this gallery reflects the stories and aspirations of Aboriginal people today.

Outcomes

- The new Geraldton exhibition is an holistic approach to the natural and cultural environments of Western Australia, integrating indigenous experiences with the wider WA story. Members of Yaaji communities have made special contributions eg with recorded stories, feeling that it gives a special meaning to their relationship with the Museum, and that it will also increase Museum visitor understanding of the traditional and contemporary beliefs of Warburton Aboriginal people. These exhibitions also provide an opportunity to showcase contemporary art dealing with social issues.

Future issues and actions

- *Exhibition*
Museum staff at all sites will continue working with Aboriginal advisers to include aspects of Aboriginal history, traditions and contemporary culture in their new exhibitions and galleries currently in planning. The Geraldton Museum for example will include a public performance space for local indigenous groups to use.
- *Education officer*
It is anticipated that an Aboriginal man will be employed to co-teach classes relating to Aboriginal cultural issues since gender specific issues are of relevance
- *General employment issues*
There is an urgent need to increase the indigenous staff profile at the Museum. There are currently plans to establish traineeships, perhaps linking with regional tourism opportunities. There are also opportunities to increase casual employment positions at the Museum in education, front of house staff and public performance especially.

Community Leadership

Future issues and actions

- *Repatriation*
With the allocation of initial funding through DOCITA the Museum has embarked on a program of consultation about repatriation of sensitive materials in its collections. At first the focus has been on the return of secret/sacred material but the return of skeletal material is also under discussion with a number of communities.

Since last year additional objects have been returned to Warburton, and Warburton is facilitating discussions with other Western Desert communities about their desires regarding placement of other secret/sacred materials from the region.

Currently the Museum has had initial consultations with communities in the Kimberley and Pilbara to determine what action regarding secret/sacred materials is desired and what further regional meetings are required..

We have negotiated a Memorandum of Understanding with the Department for Indigenous Affairs to cooperate in matters relating to the repatriation of human remains. In 2001, 32 sets of unprovenanced remains were transferred from the Museum to a special keeping place at Karrakatta Cemetery, Perth.

State Library of Western Australia

Economic Independence

Activities undertaken

- A Fathers' Reading Program at Woorloo Prison (including Aboriginal fathers) was developed and implemented. During the six-week pilot program, weekly story sessions were held in the Visitors Centre at the Prison. Prisoners and their families attended sessions designed to encourage fathers to read to their children as part of a family visit to the prison. These sessions provided an opportunity for fathers to become a positive role model for their children, as well as encouraging awareness of the parent's role as an essential partner in their child's education and development. Outcomes of the sessions have been positive for both the prisoners and their children.
- The Office of Native Title is working to develop a Statewide protocol for dealing with restricted records for the purposes of native title research in response to a recommendation from the Wand report. The Battye Library and other concerned State Government agencies are on a working party contributing to the development of these guidelines. Guidelines specifically for connection reports are intended to be submitted to the Cabinet Standing Committee on Native Title in August.

Consultation and partnerships with indigenous people

- The Mirima Council requested assistance to assess the language archive at the Dawang Woorlab-gerring Language and Culture Centre in Kununurra. With the help of ATSIC funding, a staff member from the Battye Library and the Senior Conservator visited the centre in April 2001 and carried out an assessment of the archive. The preservation strategy included advice on environment control, archival packaging, preservation copying, pest control, disaster preparedness, off-site storage and preservation of archival material. In addition a draft management policy was prepared to advise staff on procedures for future management.

Future issues and actions

- The State Library's Consultant for Aboriginal and Torres Strait islanders is developing a storytime kit that will be used to promote literacy and the importance of Indigenous stories to all Western Australians.

Reviewing and Re-engineering Programs and Services for Better Outcomes

Activities undertaken

- The Public Library Services (PLS) program provides library resources and services to Aboriginal communities at Ngaanyatjarra (Warburton), Kupungarri (Mt Barnett) and to the Wirrumanu Adult Education Centre at Balgo Hills. The Ngaanyatjarra library was developed after considerable consultation with the Shire of Ngaanyatjarraku and the Aboriginal community. PLS is currently exploring alternative methods of service delivery to regional and remote Western Australian Aboriginal communities based on the resources and experiences at the current Aboriginal community libraries in Western Australia.
- The State Library provides training for library officers employed by local government authorities, to provide improved library services for the Indigenous people of Western Australia. Particular support has been provided to staff at the Mirrabooka Public Library, who are conducting an outreach program for Aboriginal people in their community.
- An information gateway was developed on library services and resources for Aboriginal and Torres Strait Islander peoples. This is available from the State Library website. In addition, the Public Library Services team promote celebrations of significance to Indigenous people, such as NAIDOC Week, to public librarians throughout the State via the Public Librarians Online website.
- A special collection of materials by Indigenous writers or featuring Aboriginal topics is maintained for all public libraries to use in their communities.
- To celebrate NAIDOC Week and Reconciliation Week, displays of material on Aboriginal themes are mounted in the Alexander Library Building to raise awareness of Indigenous issues.
- The J S Battye Library of West Australian History, with the support of the Friends of the Battye Library and the Maude Sholl Bequest, have employed a researcher to work on a *Guide to the Aboriginal records of the Battye Library*. The guide, which will identify original records, including private papers, oral histories, film and videos and pictorial material relating to the Aboriginal people of Western Australia, will be published at the end of 2002. It will be an invaluable resource for researchers, genealogists and Aboriginal family historians.

ArtsWA

ArtsWA has taken the following steps in support of the process of reconciliation during 2001.

Economic Independence

Activities Undertaken

- A partnership between ArtsWA and the Office of Aboriginal Economic Development to develop International and National Markets for Indigenous artists/performers.

Reviewing and Re-engineering Programmes and Services for Better Outcomes

Activities Undertaken

- Workshops in arts funding in the Southwest to Noongar people at Bunbury Regional Art Gallery.
- Tours to the Kimberley Region by the Aboriginal Arts Officer and the Regional Arts Officer. Meetings held with organisations on current contracts as well as individual artists seeking support. Successful grant applications resulting from these visits.
- Mainstream funded agencies including Country Arts WA, Community Arts Network, the Artist's Foundation of WA and Art on the Move, specifically targeting Indigenous artists, organisations and communities with funding and other programs.
- Strengthening relationships with other funding organisations, including the Australia Council for the Arts, to better service Indigenous artists.

Consultation and partnerships with Indigenous People

- Ongoing development of the Aboriginal Arts Policy in consultation with the Aboriginal Arts Panel in preparation for draft policy document to go out to comment before being presented to the Minister.

Outcomes

- Ongoing support of Indigenous agencies- Yirra Yaakin Noongar Theatre in Perth and Magabala Books in Broome. This support including Governance workshops and business planning.

- Ongoing support for indigenous artists, performers etc. through funding programs and promotion of these programs to remote and regional communities.

Community Leadership

Activities Undertaken

- Cash contribution and facilitation of Reconciliation and the Arts Forum at the Point Walter Recreation Centre, March 2001. Sandra Krempf, CEO of Community Arts Network, Tim Muirhead of Australians for Reconciliation and Carol Innes, Aboriginal Arts Officer, ArtsWA facilitated this weekend aimed at artists and arts administrators.

Consultation and partnerships with Indigenous people

- Input from the Aboriginal Arts Panel on the development of all of ArtsWA's Policies, including the Regional Arts Policy and the Arts Development Policy and the Policy Framework.

SCREENWEST

General Statement

ScreenWest is the film and television development agency in the State of West Australia. ScreenWest's mission is to lead the industry to a level of creative achievement, commercial success and international recognition that will be a source of pride and opportunity for all Western Australians.

ScreenWest administers a number of schemes that provide funding opportunities for West Australian filmmakers to achieve ScreenWest's objectives.

Indigenous filmmakers are eligible and encouraged to apply for funding assistance from ScreenWest, and because of their skills and expertise they have been successful in obtaining support from ScreenWest.

Economic Independence

Activities Undertaken

- ScreenWest provided seed money to the Film and Television Institute (based in Fremantle) and Goolarri Media Enterprises (an indigenous media organization based in Broome) to form a strategic alliance to facilitate training and production opportunities between the two organizations.
- Many of the activities outlined in the following section are examples of partnerships with indigenous filmmakers and organisations which serve to assist these individuals and organisations to achieve greater economic independence.

Reviewing and Re-engineering Programmes and Services for Better Outcomes

Activities Undertaken/Partnerships with Indigenous people

- Indigenous filmmakers are eligible and encouraged to apply for funding assistance under all schemes administered by ScreenWest. A glance at the 2000/2001 financial year illustrates the success which has resulted from the skills and expertise of indigenous filmmakers.
- 13% of Project Development Funding and 8% of the content produced in 2000/2001 was invested in projects with indigenous creative control.
- ScreenWest continued its support of the National Indigenous Documentary Fund. This joint initiative between ScreenWest, the AFC and SBS Independent, provides an invaluable opportunity for an emerging indigenous filmmaker to develop and produce a half hour documentary to be screened nationally on SBS Television. In 2000/2001 ScreenWest received a record number of high quality applications from all around Western Australia, attesting to the depth of talent in WA. The successful recipient was Mark Bin Bakar of Goolarri Media Enterprises in Broome with his

project entitled "Me and You". "Me and You" is currently in development and will be produced towards the beginning of 2002.

- Goolarri Media Enterprises is an indigenous media organisation that in 2000/2001 and more recently has gone from strength to strength. ScreenWest is proud to have invested in a ground breaking 6 part light entertainment series entitled "The Mary G Show". The series sees the cult radio figure Mary G (aka Mark Bin Bakar), burst into the television medium. The series screened on SBS Television. In the current financial year ScreenWest has again invested in the second series of "The Mary G Show" which is currently in production.
- Mitch Torres, an indigenous filmmaker based in Broome, was the successful recipient of ScreenWest's New Producer Fellowship funding in 2000/2001. Only one fellowship is granted per year.
- Last year's Australia By Numbers "Nannup, 6275", Produced and Directed by Mark Richardson, and funded by ScreenWest and SBS Independent is about the life and spirit of a group of Nyoongar boys, who, for various and often traumatic social reasons, are placed in to the care of the Lake Jasper Project. ScreenWest also provided financial assistance to Andrea Williams, an emerging indigenous filmmaker that allowed her to gain invaluable experience on a Director's attachment on the documentary.
- ScreenWest also provided assistance via the Australian Film Commission this year to allow Des Kootji Raymond (Indigenous Director), Paul Roberts (Producer), Kyle Morrison and Lancho Davey (both Indigenous actors) and Denise Groves an emerging indigenous filmmaker to travel to Sydney and workshop the short drama "King of the Mish" written by both Paul and Kootji. "King of the Mish" was one of eight indigenous projects selected from around Australia for inclusion in the week's workshop.

Outcomes

- Indigenous films that have been assisted through ScreenWest had a successful year in 2000/2001. The 2000 Australian Film Institute Awards saw notable wins for indigenous projects that were funded through ScreenWest. Tom Zubrycki's won the Best Documentary AFI Award for "Stolen Generations", (Western Australian Ian Pugsley was the Cinematographer on this moving documentary). "Confessions of a Headhunter" which was Directed by Sally Riley, Produced by Kath Shelper and co-written by Sally Riley and West Australian author, Archie Weller won the Best Short Fiction Film Award at the 2000 AFI Awards.
- Additionally, the Excalibur Nominees "Land of the Little Kings", a feature length documentary narrated by Archie Roach, received the Human Rights Award in the category of Television this year. Produced by Paul Roberts and Directed by Des Kootji Raymond, this outstanding production was made through Excalibur Nominees, the Production Arm of the Film and Television Institute (FTI). ScreenWest would like to congratulate Excalibur Nominees, Paul and Kootji on this prestigious award.

Future Issues and Actions

- ScreenWest and the ScreenWest Board are currently reviewing activities and looking at ways to further assist Indigenous filmmakers looking at applying for funding through ScreenWest. ScreenWest is keen to access the significant creative talent that exists in the Western Australian indigenous community.

Community Leadership

- Many of the projects outlined above provide outstanding opportunities for indigenous people to demonstrate leadership and to build capacity within both indigenous and mainstream communities.

STATE RECORDS OFFICE

State Records Office of Western Australia

Reviewing and Re-engineering Programmes and Services for Better Outcomes

Activities undertaken – update

Drafting of a user-friendly guide to Aboriginal records held by the State Records Office is nearing completion. The new guide will be targeted at the Aboriginal genealogist as well as academic researchers and will be suitable for publication both in hard copy and on-line.

Activities undertaken - new

Publication of a name-based index to the records of the Chief Protector of Aborigines 1898 – 1908, held by the State Records Office of Western Australia, on the State Records Office website.

NAIDOC week activities included a seminar on resources for Native Title Research

Future Issues

Greater access to information for Aboriginal Family History will bring increased numbers of researchers to the State Records Office seeking access to information. Employment of an indigenous staff member would assist in the provision of this sensitive and often emotionally charged material.

Proposed changes in the Native Title mediation process are likely to continue to require State Records Office support to Government agencies and Native Title researchers through loans and reference services. Provision of access copies of research materials, particularly in digital format, is becoming increasingly requested by remote and regional communities.

ART GALLERY OF WESTERN AUSTRALIA

Reviewing and re-engineering programs and services for better outcomes

Activities Undertaken

- The draft Indigenous Policy Statement for the Art Gallery of Western Australia outlined in Ministerial Memo Min-033#2 of 21 November was ratified by the Board on 18 December 2001 with minor amendments. Please see the attached copy of the Indigenous Policy Statement which has incorporated these amendments.
- The Gallery has made an ongoing commitment towards Indigenous programs within the annual budget, which include Whole of Gallery programs.

Outcomes

- There is an expansive Indigenous exhibition and programs calendar already in project and proposal stage, up to 2005, which will include local, regional, national and international projects during that period.

Community Leadership

Activities Undertaken/Partnerships with Indigenous People

- The Gallery flies the Aboriginal flag all year round
- Nyoongar elders/representatives invited to speak at all major openings at the Art Gallery of Western Australia and are paid speakers fees.
- NAIDOC Week is an annual priority program and includes guest speakers, specific exhibitions from the collection and outside the Gallery, and a function for the local Indigenous community.
- Indigenous students and artists regularly visit the Gallery for guided tours through the collection or exhibition displays by the Curator of Indigenous Art, as part of the Gallery's accessibility to the Indigenous community
- Indigenous and non-Indigenous students have undertaken volunteer internships with the Gallery, under the direction of the Curator of Indigenous Art.
- *Indigenous Art: Art Gallery of Western Australia* was launched during NAIDOC Week 2001. It has been distributed state-wide and nationally.
- The Art Gallery of Western Australia will seek to fill the recently vacated Curator of Indigenous Art position as soon as possible.

Economic Independence

- Indigenous Curatorial traineeship ongoing.

- An employment strategy will be developed and implemented for Indigenous staff at the Gallery and in this way we hope to raise the level of indigenous staffing across various sectors of the Gallery's operations.

Indigenous Policy for Art Gallery of Western Australia
Approved 18 December 2001

The Art Gallery of Western Australia has a lengthy history of highlighting the achievements of Indigenous Peoples through programs, the Collection and exhibitions. There are now in excess of 2400 Indigenous works of art in the State Art Collection. Over the past decade the exhibition and touring program has featured such outstanding exhibitions as Rover Thomas and Trevor Nickolls at the Venice Biennale, *Keepers of the Secret*, the *Jimmy Pike Retrospective*, *Utopia: Ancient Traditions/New Forms*, *Daughters of the Dreaming*, *Ngayulu-latju Palyantja /We made these things*, *Re-take: Contemporary Aboriginal and Torres Strait Islander Photography*, *Indigenous highlights from the State Art Collection* among numerous others.

Over the next five years we plan to build on these achievements and develop an integrated policy for Indigenous initiatives at the AGWA that bridge the Collection, Exhibitions, Public Programs, and Human Resources to meet the needs of Indigenous communities and promote greater understanding throughout the non-Indigenous community.

One first step would be to enshrine a statement of commitment and intent as part of the Gallery's Vision Statement. This statement will acknowledge that the Gallery is built on Nyoongar land and that Perth is the home country of Nyoongar people. (Please note diverse spelling of Nyoongar – Nyoongah, Nyungar, Noongar, Nyungah – as used by community organisations, government bodies and individuals).

1. Staff employment

The commitment to employ an Indigenous assistant Curator in the mid 1990s began a process to provide employment opportunities for Indigenous people at the Gallery. With the commencement of the Curator of Indigenous Art in April 1999, the Gallery reasserted this commitment. More recently with funding secured from both public and private sources we have been able to appoint a Trainee Assistant Curator of Indigenous Art, for three years from January 2001. The Gallery will need to address the issue of Indigenous appointments throughout the Gallery by introducing positions such as an Indigenous Officer in Public Programs or a second Curatorial trainee. In addition to this the Gallery should be attentive to developing opportunities to increase the number of Indigenous staff at the Gallery in all areas such as the current Conservator of Objects who is also Indigenous.

Recommendation:

Recommend that an employment strategy be developed and implemented for Indigenous staff at the Gallery.

2. Indigenous Advocacy:

Aboriginal Flag

Many local councils and government departments, statewide and nationally, fly the Aboriginal flag at various times throughout the year, in some cases all year round. The Aboriginal flag can be flown on a government building in WA provided the Australian and State flags are flying as well, and that the Aboriginal flag is not bigger than the other two.

Recommendation:

It is recommended that the Gallery fly the Aboriginal flag all year round.

Indigenous speakers at functions

Recommendation:

Recommend that Nyoongar elders/representatives be invited to speak and acknowledgement be made at all major openings. It is recommended that Indigenous speakers be paid set speakers fees.

The Gallery has had Nyoongar speakers at various function openings, eg, *Utopia: Ancient Culture/New Forms*, *Ngayulu-latju Palyantja* (Warburton) and NAIDOC Week celebrations.

Recommendation:

It is recommended that Indigenous speakers be paid speakers fees.

3. Indigenous representation on the Board

Recommendation:

That the board continues to explore ways in which the indigenous community could be represented.

4. Programs and projects

There is an expansive Indigenous exhibition and programs calendar already in project and proposal stage, up to 2005, which will include local, regional, national and international projects during that period.

Indigenous Art: Art Gallery of Western Australia was launched during NAIDOC Week 2001. Its state and national distribution is a priority. Response to the publication has been extremely positive, with corporate and government funding received to assist with production costs.

The Gallery has made an ongoing commitment towards Indigenous programs within the annual budget, which include Whole of Gallery programs. In 2003 the program will include *Southwest/Central* as the Gallery's contribution to PIAF 2003. In 2005 *Jesus loves me, this I know*, a partnership between Indigenous curators in Australia, New Zealand and Canada, will open at the Gallery before commencing an international tour to the partner countries.

NAIDOC Week is an annual program that is a priority of AGWA and includes guest speakers, specific exhibitions from the collection and outside the Gallery, a function for the local Indigenous community on the Friday of NAIDOC Week.

Indigenous students and artists regularly visit the Gallery for guided tours through the collection or exhibition displays by the Curator of Indigenous Art, as part of the Gallery's accessibility to the Indigenous community.

Indigenous and non-Indigenous students have undertaken volunteer internships with the Gallery, under the direction of the Curator of Indigenous Art.

COMMUNITY CAPACITY AND HEALTH

1.1 Introduction

The Department of Health has recognised the vital importance of Indigenous community capacity – that is - Indigenous self-determination and community control - in the successful improvement of Indigenous health status.

This recognition has been formally recorded through a number of mechanisms included in the 2002 WA Framework Agreement on Aboriginal and Torres Strait Islander Health, between the State, Commonwealth, ATSIC and the Western Australian Community Controlled Health Organisation and in the 2000 Western Australian Aboriginal Health Strategy.

1.2 The 2002 Framework Agreement

The State, the Commonwealth, the Aboriginal and Torres Strait Islander Commission and the Western Australian Aboriginal Community Controlled Health Organisation signed the Framework Agreement on Aboriginal and Torres Strait Islander Health on 5 July 2002.

The objective of the Agreement is to improve health outcomes for Aboriginal and Torres Strait Islander peoples in Western Australia through a co-ordinated approach to the planning, funding and delivery of health and health related services.

Implementation of the Agreement is through joint planning processes that allow for:

- full and formal Aboriginal and Torres Strait Islander participation in decision making and determination of priorities;
- improved co-operation and co-ordination of current service delivery, both Aboriginal and Torres Strait Islander specific services and mainstream health services, by all spheres of Government;
- increased clarity with respect to the roles and responsibilities of the key stakeholders; and
- enhanced effectiveness and efficiency of resource development and application.

1.3 The Joint Planning Forum

The Western Australian Joint Planning Forum on Aboriginal health is a high level strategic planning body formed as a direct result of the Framework Agreement.

The Joint Planning Forum is made up of members from the Department of Health, the Commonwealth Department of Health and Ageing, the Aboriginal and Torres Strait Islander Commission, and the Western Australian Aboriginal Community Controlled Health Organisation.

The Joint Planning Forum and its working parties have undertaken a range of capacity enhancing initiatives since 1996, including the joint production of six community-based and community-driven Regional Aboriginal Health Plans and the joint development of the Western Australian Aboriginal Health Strategy – a shared agenda for improving the health status of Aboriginal Western Australians. State Cabinet endorsed the Western Australian Aboriginal Health Strategy on 6 November 2000. The Joint Planning Forum is supported through the Department of Health's Office of Aboriginal Health.

1.4 The Western Australian Aboriginal Health Strategy

The Western Australian Aboriginal Health Strategy centres around a multi-strategy framework, which sets the foundation for Government and non-government agency programs focussed on improving the health status of Aboriginal people. Six key strategic directions have been identified that make up the framework to achieve changes to the health system that will best lead to improved health outcomes over the next 20 years.

The Western Australian Aboriginal Health Strategy action areas are:

- Increasing access to health services;
- Reforming the health system;
- Reconciling community control and empowerment;
- Improving health information management;
- Strengthening intersectoral collaboration on health; and
- Improving health financing

The Office of Aboriginal Health continues to advance Indigenous health improvement through enhanced Indigenous self determination and community control of health actions.

1.5 The Office of Aboriginal Health

Whilst the WA Government Health Services (e.g. hospital, community and public health services) are provided on a whole of population basis for all Western Australians, the much poorer health status of Aboriginal Western Australians has required a more specific response to meet their needs.

The Office of Aboriginal Health has been established within the Department of Health to work in partnership with Aboriginal communities and health service providers to ensure that Aboriginal and Torres Strait Islander people receive culturally appropriate health care that meets their needs.

To achieve its mission, the Office of Aboriginal Health approach is underpinned by the following principles.

- A holistic perspective that will improve the social, emotional, spiritual and cultural well being of the whole community;
- Strengthening self-determination through involving Aboriginal people at all levels of providing health care, including planning, development, implementation and evaluation;
- Recognising that Aboriginal and Torres Strait Islander people have the right to choose to be different and in turn choose different models of health care;
- Health care services must be appropriate and accessible. This means considering all aspects including distance, transport, finance, employment and attitudes;
- Health services must be provided in a culturally secure environment and manner. Health services need to be well informed of the cultural rights, views, values and expectations of Aboriginal people;
- A co-ordinated and collaborative approach is required. To have any significant impact on health, all sectors need to work together to address health issues from a holistic perspective; and
- Improved, guaranteed funding is a major issue in the implementation of all health plans for Aboriginal people.

1.6 Supporting and Building Capacity

The Department of Health directly supports and builds capacity in Indigenous communities in a variety of ways.

1.6.1 Contracts with Aboriginal provider organisations

The Department of Health purchases health and health related services from numerous local Aboriginal Community Controlled Health Organisations across the state. Aboriginal health services are delivered at the most locally possible level and many are based in remote parts of the State. Health services include prevention, harm reduction and treatment services for alcohol and other drugs, together with environmental health improvement. In 2000/2001 the proportion of contracts negotiated by the Department of Health Office of Aboriginal Health with these Aboriginal organisations was approximately 90% of the total non Government sector services and had an annual outlay of over \$17 million. Where possible, preference is given by the Office of Aboriginal Health to purchasing the delivery of health services for Aboriginal people by relevant Aboriginal organisations.

1.6.2 Strategic Alliances

The Department of Health has encouraged the successful establishment of strategic and economic alliances between ACCHOs and government, non-government, and private sector health providers.

The establishment of co-located services at the South West Health Campus (in Bunbury) which involves State Health, South West Aboriginal Medical Service and St John of God Medical Services is a practical demonstration of these reforms. This

campus provides a wide range of services including an expanded range of specialist services. The benefit for Aboriginal consumers is in the availability of seamless services including the in situ provision of culturally secure services.

The WA Aboriginal Co-ordinated Care Trial has successfully completed its first round at the South West Aboriginal Medical Service in Bunbury and at the Derbarl Yerrigan Health Service in Perth. This program ensured effective individual patient care coordination for enrolled clients at the critical pre-admission and post hospitalisation stages. This included both planned and unplanned episodes (e.g. acute and booked inpatient episodes) of hospitalisation. A second round trial is about to commence.

The decentralisation program of Derbarl Yerrigan Health Service to outer metropolitan locations is an example of the benefits to local Aboriginal individuals and families of a partnership approach between the Aboriginal community controlled sector and government health services (e.g. at Mirrabooka with Osborne Park Health Service). This also strengthens Aboriginal independence from economic and other perspectives.

1.6.3 Education and employment

The Department of Health encourages Aboriginal people to undertake health and allied health studies that will lead to a career in the health industry.

The Department of Health's, Office of Aboriginal Health Scholarship program was initiated in 1998, as a result of concern for the low rate of Aboriginal students enrolled in health related fields. A range of scholarships are offered for Aboriginal students looking to enter, or continue, tertiary training in health related occupations. Scholarships are open to people of Aboriginal descent who are full time students in an accredited West Australian tertiary level course in medicine, nursing, allied health, social work, dentistry, or Aboriginal health work. Students must also be resident in Western Australia and intending to practice in Western Australia after graduation.

The Aboriginal Environmental Health Program provides much needed services to Aboriginal communities across the state. The Office of Aboriginal Health funds the employment of numerous Aboriginal Field Support Officers who assist with both hands-on services and regional co-ordination. Aboriginal Field Support Officers are supported by community based Aboriginal Environmental Health Workers. The success of the program is attributed to the co-ordination of services with other environmental health initiatives and the development of strong partnerships with Aboriginal communities and other government agencies.

1.6.4 Increased Aboriginal Funding

In 2001 the Office of Aboriginal Health developed a 'Definition of Aboriginal Health Need' in response to the Commonwealth Grants Commission's request to provide material that builds a picture of Aboriginal health need. Key factors impacting on the overall well being of Aboriginal and Torres Strait Islander people, including cultural security, physical well-being, good environment and freedom from poverty were explored.

The Office of Aboriginal Health held discussions on the topic with key Australian Aboriginal people, and International and National experts from economic and Geographical Information Systems fields. The *'Definition of Aboriginal Health Need'* was used to develop a new approach to resource allocation, based on the simple idea that resources be allocated where the greatest benefit can be achieved. This benefit can be measured and priorities for funding determined by considering the following components:

- Capacity to benefit – the assessment of the potential benefit that additional resources will provide;
- MESH (Management, Economic, Social and Human infrastructure) – which embraces the fact that communities are not equally well developed in terms of infrastructure to allow them to have capacity to benefit; and
- Access – which considers the geographical remoteness, cultural access barriers and associated costs.

1.6.5 Western Australian Aboriginal Community Controlled Health Organisation

The Department of Health Office of Aboriginal Health funds the Western Australian Aboriginal Community Controlled Health Organisation to act as an advocate for Aboriginal community controlled health organisations in Western Australia and as a peak body for formal representation of Aboriginal community health views.

1.6.6 Supporting community leadership

The Department of Health routinely supports and encourages Aboriginal community leadership through many of its programs and services and undertakes some specific initiatives to advance Aboriginal community leadership. These include:

- Direct funding of the Western Australian Aboriginal Community Controlled Health Organisation as a leading community body on Aboriginal health;
- Support of Aboriginal participation in high level strategic health planning and decision making through the Joint Planning Forum on Aboriginal Health;
- Inclusion of Aboriginal community leaders on health committees and advisory groups;
- Aboriginal participation in critical initiatives such as the National Health Priorities Projects (e.g. Cardiovascular, Asthma and Diabetes management strategies)
- Funding and support of Aboriginal leadership in research ethics through the Western Australian Aboriginal Health Information and Ethics Committee;
- Funding of a State Aboriginal Youth Forum;
- Promotion of careers towards health leadership through education scholarships;
- Facilitation and support of community based and community driven regional Aboriginal health planning processes in the six Aboriginal health regions - Kimberley, Pilbara, Gascoyne/Midwest, South West & Metro, Ngaanyatjarra Lands and Goldfields; and
- Preference in purchasing health services for Aboriginal people from organisations led and operated by Aboriginal people.

1.7 The Way Forward

Effecting lasting change within a community will only successfully occur when the community itself wants to make the change and takes ownership of the problem and its solution.

The vertical delivery of discrete Government programs with little community involvement may work for some health treatment issues but clearly does not work where a wider change in health behaviour (community or individual) is required.

What have proved generally successful in the health field are Indigenous community-controlled health organisations. However, these organisations can be highly dependent on the efforts of one or two key individuals and even apparently well established organisations can quickly become quite fragile when there is a change in key personnel. Factions developing within communities can also quickly drain energies and strong community development support is needed at these times to maintain the momentum of health efforts.

Communities that possess a cohesion and civic pride are clearly the ones that succeed. Capacity building efforts should therefore not only focus on strengthening individual and community skills and supporting community development in discrete Government agency areas such as health, but also put in place ongoing mechanisms that foster higher level broad civic pride and community self esteem.

**OFFICE OF NATIVE TITLE
DEPARTMENT OF THE PREMIER AND CABINET**

SUBMISSION TO INQUIRY INTO CAPACITY BUILDING IN INDIGENOUS COMMUNITIES

The Office of Native Title (ONT) was established in 2002 to develop and implement State Government Policy on native title and related matters. The Office has an inter-agency co-ordination function associated with its work.

Of interest to the work of this office is the effective functioning and capacity of those indigenous organisations involved in the operation of the *Native Title Act 1993 (Cth)*, that is Native Title Representative Bodies (NTRBs) and Prescribed Bodies Corporate (PBCs).

There are significant issues to be considered, in the context of your inquiry, regarding these two types of indigenous organisations. Particularly:

- (i) the capacity and functioning of NTRBs;
- (ii) the future funding of PBCs and their role within the native title system;
- (iii) the interaction of PBCs and other community organisations, especially those involved in holding and/or managing land, managing service delivery to Aboriginal communities, employment and training outcomes;
- (iv) the interaction of PBCs and NTRBs.

The recommendations this office seeks to propose to the committee are:

- (1) The Commonwealth should articulate a policy on funding and other support for PBCs;
- (2) The committee should consider an inquiry into the structure and functioning of PBCs, with a view to reviewing the current requirements for holding and management of native title;
- (3) The Commonwealth needs to ensure that NTRBs are properly skilled, managed and resourced in order that they may undertake their functions under the *Native Title Act 1993 (Cth)*.

**Anne De Soyza
Executive Director
Office of Native Title**