

Improving the capacity of the public sector in 'closing the gap' of Indigenous disadvantage in the NT

For far too long, Indigenous Territorians have been regarded as "the problem", rather than as valued members of our broader community

The Hon. Marion Scrymgour MLA,
Minister for Indigenous Territorians¹

The new attitude needs to redefine Indigenous people, not as problems, but positively and distinctively.

NTER Review Board²

Proposal and Recommendations

That, in order to 'close the gap' of Indigenous disadvantage, the Commonwealth and Northern Territory Governments:

- (1) Act on evidence of the imperative to re-engage with Indigenous people of the Northern Territory in ways which recognise cultural and community strengths;
- (2) Appreciate the crucial role which a knowledgeable and skilled public sector can play in this re-engagement;
- (3) Encourage and provide a career incentive for public sector staff to build their knowledge and skill base in this area;
- (4) Provide funds for the development of the course outlined in this proposal; and
- (5) Guarantee sufficient students enrolments to ensure course viability.

Background

The above statement by Minister Scrymgour sums up an attitude that has prevailed in the NT for many decades. It is widely acknowledged that sections of the NT media and politicians have, for decades until recently, portrayed Aboriginal people - through their claims to land and other rights - as standing in the way of the 'proper' development of the NT. Through this portrayal, Aboriginal people have been placed on the margins of discussions regarding the NT's social and economic development.

More recently, in publicity surrounding the NT Emergency Response (NTER), the emotive idea that many if not most Aboriginal communities are 'dysfunctional' has been taken up uncritically by an uninformed media and other commentators. Aboriginal people themselves are well aware the impression has been given to the wider Australian community that they are child-abusers and drunks. This, and the deliberate exemption of the Commonwealth's Intervention legislation from the Race Discrimination Act has had its impact both on how non-Indigenous society now look at Indigenous societies and on how Indigenous people look at themselves. The NTER Review Board reported how

it was made abundantly clear that people in Aboriginal communities felt

¹ The Hon Marion Scrymgour MLA, Media Release, 25 September 2008

² Department of FHCSIA, *Report of the NTER Review Board*, 13 October 2008, pages 47/8

*humiliated and shamed by the imposition of measures that marked them out as less worthy of the legislative protection afforded other Australians.*³

An underlying theme of public discussion during the NTER is that, as in the past, Aboriginal people are to be singled out and defined as the problem. On no factual basis.

The need for Governments to initiate policies and practices which include Aboriginal people in active and informed partnership is now of fundamental importance. As Minister Scrymgeour stated above, genuine engagement is now required if Government policy towards Indigenous people in the NT is to move past the current impasse.

In this re-engagement, CDU wishes to emphasise the point that the capacity of the public sector to appreciate the situations, values and aspirations of Indigenous people is of crucial importance.

Of course public sector staff at both Commonwealth and NT levels generally act in accordance with high professional standards. This has always been the case, before and during the NTER. Overt prejudice by individuals is not apparent, and is not suggested in this proposal. Indeed, public sector staff overall have good intentions – as individuals they want to play a part in closing the gap. The need is to give them the skills and knowledge they require in order to do this.

The problem is structural: policy decision-making and program implementation is based on the information and advice which Governments receive from their staff. For this reason, it is imperative that public sector staff have the capacity – the knowledge and the skills - to (i) themselves engage constructively with Indigenous communities and (ii) understand the situations, values and aspirations of Indigenous people in particular communities or regions so as to provide relevant and accurate advice to governments.

Current situation

All Governments, including the current Commonwealth and NT Governments, have placed the issues of Indigenous disadvantage and equitable participation on the COAG agenda. This, and the fact that the Chief Minister has offered the NT as host for the COAG meeting next year on ‘closing the gap’⁴, make a strong public statement that necessitates action.

However, recent events make it apparent that a simple statement about the need for a ‘whole of government’ approach to Indigenous affairs is inadequate if we are serious about delivering the goods in terms of positive outcomes.

Indeed, influential commentators have pointed out the need for a whole of government approach to Indigenous affairs, and Indigenous health particularly, for well over a decade.⁵ With rare exceptions at the local level, it has never been

³ *ibid*, page 46.

⁴ The Hon Paul Henderson MLA Media Release, 2 October 2008

⁵ for example, in the ‘Indigenous Health’ chapter of the Social Justice Commissioner’s 2nd *Annual*

achieved. It is important to appreciate this fact and address the reasons behind it, or history will simply go on repeating itself.

Consider the evidence:

- The recent COAG Trial at Wadeye. Based on the official evaluation, the COAG whole of government initiative at Wadeye could not be called anything other than a failure.⁶ Yet no-one suggests this was through lack of actual effort by Governments – the NT and Commonwealth Governments tried very hard at Wadeye. We have to look elsewhere for reasons. It appears the public sector did not have the same understanding of the problems at Wadeye as the Aboriginal people who live there.
- The NTER experience. The Report of the Board set up to review the NTER is scathing about the lack of communication and community engagement on the part of the Governments involved. Despite the large amount of money spent, the NTER has not been as effective as it could have been because
*The single most valuable resource that the NTER has lacked from its inception is the positive, willing participation of the people it was intended to help.*⁷

What is being suggested is that it is not so-called ‘dysfunctional’ Aboriginal communities which constitute the problem, but that Governments contribute to the situation by imposing solutions rather than engaging the people. Community meetings with microphones – where only English is spoken - and one side does all the talking does not does not represent communication, let alone participation.

The NT Government’s submission to the Review emphasised that “community engagement must underpin any plan to turn around the disadvantage in remote Indigenous communities”. Other submissions, such as the one from the Australian Indigenous Doctors Association, made similar points: “a profound lack of communication”; participants at community meetings feeling “immense shock and grief” upon first learning of the NTER; that “community members expressed feelings of loss of responsibility, loss of control, loss of power, and a hardening mistrust towards the Australian Government and dominant western culture in Australia.”⁸

In order to engage, staff recruited for the NTER require knowledge of communities. However, often only cursory level of cultural orientation, or none at all was provided. The Board of Review of the NTER notes inadequate cultural training provided to police⁹, and refers to the need for community development training for Government Business Managers.¹⁰

Report to Federal Parliament

⁶ Refer to

http://www.hreoc.gov.au/about/media/speeches/social_justice/2007/scrutiny_of_indigenous_affairs.html

⁷ *ibid*, Executive Summary, page 3

⁸ Australian Indigenous Doctors Association, *Submission to the Northern Territory Emergency Response Review Board*.

⁹ *ibid*, page 26

¹⁰ *ibid*, page 45

- The recommendations of *Little Children Are Sacred* Report emphasised the need to act against child abuse in a way which genuinely engages communities and people.

In attempting to close the gap on Indigenous disadvantage, therefore, CDU contends that governments must recognise the very limited value of the purely instrumental approach which characterised much of the NTER. Simply put, the evidence from various locations around Australia is that:

*Government policy frameworks will better support the growth of 'two way' effectiveness and accountability in Indigenous organisations by adopting a community development approach to governance ...*¹¹

Moving towards this community development approach will require that the public sector reflect on its own role in the process. An informed and experienced opinion is that:

*Over the past three decades there has been a fundamental failure in the governance of governments in relation to Australian Indigenous affairs. Symptomatic of this failure is that governments have failed to engage effectively at an institutional level with Indigenous citizens and communities. This has been the key contributor to the downward spiral of dysfunctionality and disadvantage which so perplexes governments and others.*¹²

These are hard words, but they should be assessed objectively. The Evidence from recent Australian research has concluded that:

*...it appears that current 'whole of government' policy frameworks and goals are not matched by departmental program funding arrangements, or by the implementation of place-based initiatives in Indigenous contexts. Indeed there appears to be a significant mismatch between policy purpose and policy implementation on the ground.*¹³

Despite much recent public discussion focussing on the alleged inadequacies of Aboriginal people, the evidence shows it is the 'governance of governments' which is at least partly responsible for defining and contributing to community dysfunctionality.

One very important area for which governments are obliged to take responsibility is to improve their game in terms of understanding Indigenous people's perspectives.

The rationale is the value which research has shown needs to be placed on the notion of 'cultural match' – that institutions are required which embody values that Indigenous people feel are important. To be successful, a community development approach requires that Governments appreciate these values and act on local and regional perspectives.¹⁴ The experience of CDU has been that employees of these

¹¹ J Hunt and DE Smith, 'Indigenous Community Governance: Two Year Research Findings', *CAEPR Working Paper No 36/2207*, CAEPR, Australian National University, Canberra, page xvii.

¹² N. Westbury, *AustralianPolicyOnline*, posted 19 December 2007 (N. Westbury and M. Dillon, *Beyond Humbug*.)

¹³ J Hunt and D. Smith, *op cit*, page xix.

¹⁴ *Ibid*, pages xvi, xvii

Governments usually require an introduction to these things in a formal structured way – that is, as part of a formal course or unit.

Currently, there are no incentives or encouragement for government employees to gain an understanding of what Indigenous people and communities are trying to achieve and how they want to achieve it. What is needed are motivated and committed people representing governments who have the knowledge and experience to establish good programs and policy in Indigenous affairs - yet there appears to be no formal encouragement or way of acquiring this knowledge, in a career sense, by their employer.

If this proposal is accepted it will make a bold statement that the NT Government is not only interested to engage Indigenous Territorians but most importantly that it is willing to act.

Issues Arising - and Solutions

- *The situation is not going to improve if nothing is done.*
Demographic trends show an increasing portion of the NT population as Indigenous. The need for genuine dialogue between Indigenous and non-Indigenous knowledge is becoming more apparent as this trend grows.
- *The inherently inadequate nature of much cross-cultural training provided, often in an ad hoc fashion, to public servants working with NT Indigenous communities.*
One or two-day courses have been shown to be inadequate, for example in the NTER experience. The proposed solution is to directly encourage successful completion of relevant Fee for Service units or the Graduate Certificate in Indigenous Community Engagement by those in the NT Government and the Commonwealth Government direct engaging with Indigenous programs and policies. Units selected for study would reflect employee work responsibilities.
- *The demand for this type of course is already high and will likely expand in the near future.*
With both governments now focusing more intensively than ever before on 'closing the gap', the public sector is expanding its community presence. Potential participants in this proposed course could include all Government Business Managers (note this is specifically proposed by the NTER Review Board), newly-recruited police and teachers, senior Shire staff, OATSIH staff working with community health boards, and the various new positions which have been recommended by the NTER Taskforce Report (for example, community mediators).
- *The lack of a career incentive for NT and Commonwealth public servants to come to terms with Indigenous perspectives.*
The proposed solution is to list the completion of Fee for Service Units and the Grad Certificate as one of the 'Desirable' selection criteria in job descriptions for particular roles in the NT and Commonwealth public services. That would turn Indigenous knowledge, values and aspirations

into assets that public servants can then value as part of their career ambitions.

- *The proposal accords with the most up to date Australian research evidence.* Reference has already been made to the evaluation of the Wadey COAG Trial and the NTER. Taking this further, the most comprehensive recent study of Indigenous community governance in Australia specifically recommended that:
 - All governments should give serious consideration to strengthening the provision of public sector training in relation to Indigenous policy and program implementation issues. Specifically, bureaucratic skills need to be enhanced to meet the challenges of shaping and implementing policy to develop stronger indigenous governance at the local and regional levels.*
 - The importance of such public sector capacity development could be further underlined by incentives for bureaucratic behaviours that contribute to*
 - *Practical outcomes in securing 'whole of government' collaboration*
 - *Implementing strategies that build indigenous governance capacity; and*
 - *Maintaining effective relationships with indigenous communities and organisations.*¹⁵

- *The need to meet the varied requirements of public servants with a wide variety of locations and experiences.*

Charles Darwin University's School of Australian Indigenous Knowledge Systems (SAIKS) has an outstanding track record in what is acknowledged as a difficult field, with its staff winning awards for academic excellence. The courses offered by SAIKS are unique in Australia. The course and units can be offered face to face at CDU in Darwin or via on-line study to anywhere in Australia. SAIKS is ideally positioned to offer the appropriate training and education necessary for the NT and Commonwealth Governments to achieve their goals.

- *The recommendations in this proposal are situated within current Government policy frameworks.*
 - At the NT level, the proposal gives flesh to the emphasis on community participation and engagement, and actions to 'close the gap', found in the policies and Strategic Plan of the Department of Chief Minister. The proposal meets specific targets set out in the NT Government's 'Generational Plan of Action' - those under the 'culture' heading are obvious, but it also underpins the targets and actions set out under all the headings of this Plan.
 - This proposal fully accords with the spirit of the Report of the Board to review the NTER, and specifically implements certain of its recommendations - for example, that both Governments support

¹⁵ Ibid, pages xxii-xxiii, underline added.

professional development for their key personnel located in Indigenous communities¹⁶.

- At the Commonwealth level, the 2008-09 Budgetary measures set out an ambitious program under 'First Steps in Closing the Gap', which to succeed must be based on improved engagement with and feedback from Indigenous communities. It is not hard to appreciate the benefits which this course offers for the implementation of the Commonwealth's Budget program when one considers that the prime source of community feedback the Commonwealth receives is its network of Government Business Managers. It is imperative for that reason that the feedback is based on more than a superficial understanding of Indigenous community life. This proposal should therefore be seen by the Commonwealth as a prerequisite, or underlying factor, which will facilitate the outcomes sought by the Commonwealth in its 'Closing the Gap' campaign.

- *Indigenous community experience is both specific and general – the need for an appreciation of 'cultural match'.*
Kinship structures, experiences of colonialism, natural resources and other factors mean that while some course content is relevant to all situations and communities in the NT, much is specific to specific regions or clan groupings. To truly understand and value the experiences and perspectives of Indigenous peoples, it is imperative that this specificity is emphasised. For that reason, case studies of kinship, languages and regions will form an important part of the course or units. CDU is unique in offering courses with this degree of specificity. Region-specific knowledge is usually essential for government employees trying to appreciate the concept of 'cultural match'.

- *The budget implications for the NT and Commonwealth public sectors should not be great.*
The addition of a formal university qualification under the Highly Desirable section in the selection criteria for all public servant positions will have insignificant budgetary impact as study is only recommended not mandatory, and could be placed within the existing approved study guidelines.

Course Content

The Grad Cert in Indigenous Community Engagement would consist of four units, two core units and two electives.

Two core units

One Core unit to be developed: Knowledge and Cultural Competence

The unit provides an introduction to cultural nature of knowledge production and the application of knowledge traditions in professional settings. Study focuses upon the need to understand and be able to articulate an understanding of the cultural constructedness of your own position before being able to come to an appropriate and culturally

¹⁶ Dept of FHCSIA, op cit, page 49

competent understanding of the cultural practices of others. Similarities and differences in cultural practices, concepts of community, decision-making and communication are explored as examples of the way in which culture informs professional practice.

Plus one unit from either of the following:

CAS110: Introduction to Yolngu language and Culture

The unit covers: pronunciation, spelling, Yolngu names, basic conversation, grammar, mälk, kinship, creation and history, land and ceremony, general principles for dealing with Yolngu including politeness, respect, rights and responsibility in decision making and negotiation.

Or

Unit to be developed: Desert Language and Culture

The unit will cover similar topics as the Yolngu one above, and will require resources to be developed for a language/kin system such as Arrrente or Warlpiri.

(note: the study of one language/kinship system is not to promote a particular language, but rather to provide an opportunity to gain insight into one culture as it represents other NT cultures. This study is crucial if students are to experience the complexity but more importantly learn to value the cultural backgrounds of Indigenous Territorians)

Two elective units (to suit various students' work areas)

Education

Unit to be developed: ESL and language Teaching

This unit will explore current research into the teaching of literacy and including the major approaches to ESL and FESL teaching. The unit will critically analyse the theoretical principles and practical applications of these approaches.

Unit to be developed: Indigenous views of education

This unit will explore Indigenous views of education; initiatives and strategies Aboriginal peoples have taken to improve the education outcome for their children.

Health

Unit to be developed: Indigenous and non-Indigenous views of population health

The unit will explore research and community case studies regarding how Indigenous peoples in the NT view concepts of public or population health; how western and Indigenous perspectives respond to the practical issues of causality, prevention and management of illness; views of the social determinants of health.

Unit to be developed: A strategic approach to Indigenous health: what have we learnt about what works?

The Unit covers an overview of policy development in Indigenous health in the NT and nationally in recent years; government and community health planning processes; case studies of health strategies in the Top End and Central Australia; measuring health outcome indicators and evaluating success.

Law

Unit to be developed: Indigenous Legal Systems

The Unit covers: defining an Indigenous legal system; the contemporary operation of Indigenous legal systems - case studies; key NT experiences; key international experiences – treaties and the UN processes.

Unit to be developed: Australian Law and Indigenous Peoples

The unit covers: key issues in Indigenous people's encounters with the legal system in the NT; policy development in this area over recent years; strategies for working with Indigenous people encountering the legal system.

Public Governance

Unit to be developed: Indigenous Governance: concepts and issues

Indigenous governance and decision-making processes regarding land, resources and culture; concepts of community functionality; cultural match and issues of legitimacy; perspectives on governance; indigenous governance internationally.

Unit to be developed: Indigenous Governance in the NT

The application of Indigenous governance in the NT today. The roles, perspectives and governance of Indigenous organisations in various sectors (eg land, health, education); strategies used to improve and regulate governance; functions of regulatory bodies (eg ORAC); developments in the interaction between Indigenous organisations and governments; COAG.