



ABN 47 854 334 350
PMB 22 Newman Western Australia 6753

• Newman (08) 9175 8000
Fax: (08) 9175 2668

• Marble Bar (08) 9176 1008
Fax: (08) 9176 1073

• Newman Recreation Centre (08) 9177 8075
Fax: (08) 9177 8461

THE HEART
OF THE
PILBARA



Thursday, February 05, 2009

Our Ref: ADM 13.4
Enquiries: Dr Ross Theodom

Senator D Johnston
Chair
Senate Select Committee on Regional
and Remote Indigenous Communities
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Senator Johnston

Inquiry into Regional and Remote Indigenous Communities

Thank you for the opportunity to provide comment on the terms of reference for the Inquiry into Regional and Remote Indigenous Communities. Whilst the Shire of East Pilbara has no information into the first of the four terms of reference and therefore will offer no comment, it does have views on terms of reference two, three and four. Comments on these issues will be outlined below.

By way of introduction, the Shire of East Pilbara is:

- The Largest Shire in the World, covering some 372,000 square kilometres. It is larger than the States of Victoria and Tasmania combined.
- There are three townships in the Shire; Newman (the administrative centre), Marble Bar and Nullagine.
- There are a range of remote Aboriginal communities within the boundary. Of note are the three town located communities of Parnpajinya (Newman), Irrungadji (Nullagine) and Goodabinya (Marble Bar). Additionally there are a number of major communities including Jigalong, Parngurr, Punmu, Warralong, Kunawarritji and Kiwikurra.
- Movement between the towns and communities is predominantly on gravel and dirt roads of varying quality. Conditions of these roads vary significantly due to intense use by mining companies and also climatic conditions.

- The Aboriginal population within the Shire is highly mobile and transient by nature.
- The climatic conditions are extreme, with intense heat and periodic flooding that isolates all three towns and the remote communities, in some cases for an extended period.

Before dealing with the specific terms of reference that the Shire of East Pilbara seeks to comment on, there is one issue that does need to be stressed as it crosses all aspects of the Inquiry's terms of reference. That issue, communications, is central to the success of any venture that is undertaken, by Governments of all persuasions, with Indigenous people and communities.

As a general rule, communications with Indigenous communities are deficient. Too little time is devoted to the explanation of any changes to occur and to allowing the community to adjust to the intrusion into their existing way of life. Whilst many of the policies and changes will benefit Indigenous communities, much of the momentum is lost through poor communications and public servants not understanding how to deal and communicate with regional and remote Indigenous communities.

As a small example, and one that also touches the Shire of East Pilbara, the Bilateral Agreement that was signed by the Howard (Commonwealth) and Carpenter (Western Australian) Governments, was negotiated without the input and involvement of the two central players. The Agreement, which is currently being revisited by the Rudd (Commonwealth) and Barnett (Western Australian) Governments, dramatically alters the relationship between Local Government and discrete Aboriginal communities in Western Australia. Yet there has been no opportunity for either party to discuss their requirements and/or ideas as part of the negotiations process. As such there is much confusion and the introduction of such a vital agreement will become bogged down in a range of issues that could be resolved through the simple act of inclusion. And this action is one that needs to be heeded across all negotiations with Indigenous communities especially remote communities like those in the Shire of East Pilbara.

A second issue that relates to terms of reference 2 to 4 is the perceived lack of co-ordination between Federal and State and State and State government agencies. Such co-ordination would

reduce the impact of Government visits on discrete Aboriginal communities and would free up considerable time for elders and managers on those communities to undertake work that they are actually paid for. During the operation of the Aboriginal and Torres Strait Islander Commission, the co-ordination of agency visits rested with that body. With its demise, there is no body co-ordinating visits and this impacts on the level of disruption that occurs on remote Aboriginal communities when the multitude of Government agencies visit.

In the event that co-ordination does take place, the success of the process is often far greater than expected. For example, recently a Protective Behaviours Programme was delivered at the Jigalong community. The programme, co-ordinated by the South Hedland Indigenous Co-ordination Centre (ICC), was well received within the community and has opened up a range of new opportunities to deal with the central issues (sexual abuse, domestic violence, pornography) that triggered the Protective Behaviours Programme. The project was a credit to the South Hedland ICC, as it brought together a divergent group of Federal and State agencies, as well as private organisations, to tackle a major community issue.

Another issue of major concern is the impact of the imposition of new laws or regulations on one Indigenous community or a small Indigenous area. When this happens, there is often an impact in neighbouring communities and if serious enough this will spread to other regions. For example, the imposition of liquor restrictions in Fitzroy Crossing had an impact across a significant part of the State of Western Australia. Aboriginal people left the community and migrated to centres where they were able to drink. When there was an outcry or action was taken to stop their drinking, these groups moved to other towns. In this way, groups of Aboriginal people from Fitzroy Crossing ended up in Newman and caused significant damage and social disruption. When measures were taken to eliminate the anti social behaviour these people simply moved to another town to continue to drink as they wanted.

In such instances, there is a need for a considered approach. An approach that assesses the implications of any proposed new laws or regulations, and how these changes will impact on other regions, towns or Indigenous communities. Once these are identified, then perhaps there will be some acknowledgement of

the secondary effects and measures taken to eliminate or at least minimise the social harm that occurs in other locations.

Another recent example of unintended impacts of policy decisions was the financial assistance given to low income earners and pensioners as a means of stimulating the Australian economy. It was noted by the Western Australian Government that Indigenous people were likely to use these funds for the purchase of alcohol. Despite measures taken by the Western Australian police and other agencies, there were significant impacts in many remote locations. In Newman, the Police and the Liquor Accord members developed a range of measures to counter the expected increase in alcohol consumption. Unfortunately, the measures were only partially successful and there was a dramatic increase in alcohol sold and in the social disruption in the town. The local liquor outlet was surrounded by Indigenous people (it was described as a sea of people) all seeking to gain access to the bottle shop and purchase alcohol. The banks and Post Office were also inundated with people seeking to withdraw the windfall and proceed to the liquor store. This was not the intention of the stimulus package and yet it was the result

In a similar vein to the lack of a co-ordinated approach on policy and other initiatives, there appears, on the part of Government, a lack of will to impose laws and regulations equitably across all sections of the community. There is anecdotal evidence in the Shire of East Pilbara to suggest that the laws of the land are enforced differently between the Indigenous and non Indigenous populations. This is not appropriate and creates resentment within the wider community and reinforces entrenched negative views about Indigenous people.

For example, discrete Aboriginal communities in the Shire of East Pilbara are not subject to some state laws (animal laws and regulations, some health laws and regulations) in the same way that town residents are. It is not possible to implement a range of laws and regulations because there is a view that they lie outside the jurisdiction of the Shire. So some State Laws stop at the boundaries of discrete Aboriginal Communities in Western Australia. Clarification has been sought on this situation from the State Attorney General but no response has been received to the information request. The result of this situation is that there is an inequitable enforcement of the law across society.

Finally, in relation to issues that cross the boundaries of terms of reference 2 to 4, Governments' tendency to adopt the concept of one size fits all does not work. There is a clear need for Governments to recognise the unique nature of Indigenous communities and realise that policies that are effective in one location do not necessarily work across all communities and regions. If there was recognition on the part of Government and its agencies to this fact there would be a significant reduction in the waste of Government and taxpayers funds. Policies need to be adjusted for the unique features of particular groups, and in some cases new policies and programmes should only be rolled out in parts of Indigenous Australia. Tailoring programmes will increase their effectiveness and will deliver progress across all of the areas of social, economic and cultural disadvantage. It will require additional effort on the part of Agencies and their staff but the results will exceed current efforts and create a more positive environment, one that will enhance the concept of inclusion.

In relation to enterprise and employment opportunities (Terms of Reference 4), there is a perception in the Federal Government that the Community Development Employment Project (CDEP) Programme should be wound back because the labour market in many rural and remote towns is robust enough to handle Indigenous employment issues. This, from the Shire of East Pilbara's viewpoint is a misnomer, especially within the East Pilbara Region. Whilst it is true that there is a significant and robust employment market, the local Martu people are not capable of accessing this market due to their poor educational, social and cultural skills. The Martu are the last group of Aboriginal people to move into Western society from their traditional desert lands. For some the engagement is very recent and consequently they are not adequately prepared to engage the dominant society and embrace jobs or other features that are normal for many other Indigenous groups. The CDEP programme that is operated by the Ashburton Aboriginal Corporation and which will close on 30 June 2009 offers the Martu people the opportunity to learn the range of work skills and ethics in an environment that takes account of the disadvantage they suffer due to their recent engagement.

Whilst it is recognised that CDEP has outlived its usefulness in many regions and towns, there remains a number of locations where its continuation is vital. However, CDEP does need to be

refocussed in locations such as Newman to offer a greater emphasis on education and training and making Martu people job ready. This will be a slow process given the short period of time that they have been involved in the Western way of life but it is an effective way to help them embrace opportunities that will result in them being able to self manage and self determine. Without CDEP, they have little hope of achieving progress and further inclusion into the communities of the East Pilbara.

Finally, the concept of quarantining a percentage of payments for the purchase of foods and clothing needs to be carefully considered for the East Pilbara. There are long distances between the towns and communities which limits their ability to access adequate retail services. Most of the communities are alcohol free and any alcohol consumption requires travel to the three towns in the East Pilbara to access suitable beverages. Introducing the food cards will not help this situation, rather it will exacerbate the problem due to the costs of travelling to shops that are permitted to accept the cards. A better system would be to reform the community stores and engage management that will efficiently run them and offer a wide range of goods at reasonable prices. Adopting regulations that ban alcohol in communities, which is happening at Jigalong at present, would support this move.

The delivery of services to Aboriginal communities in the Shire of East Pilbara is a complex issue that requires significant resources to be successful. More importantly, it needs careful study and a process that is inclusive and which offers Aboriginal people in the region an opportunity to determine their own way forward. The imposition of new laws and requirements may look appealing but their effect in many cases is a deterioration in the ability of the Aboriginal community to self manage and self determine and a greater reliance on the next quick fix that is placed on the table.

In closing, the Shire of East Pilbara commends a process of inclusion when dealing with Aboriginal communities in the East Pilbara. One that empowers the communities whilst providing the resources and programmes that will enable them to more effectively access mainstream services and become an equal partner in the development of the Shire, the State and our nation.

If you have any questions in relation to this submission or would like to discuss the matter further, please contact Dr Ross

Theedom, Director Community Engagement during working hours
on 9175 8000 or by email dce@eastpilbara.wa.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to read 'Sian Appleton', with a long horizontal line extending to the right.

Sian Appleton
Acting Chief Executive Officer