

NSW RECONCILIATION COUNCIL

SUBMISSION TO SENATE SELECT COMMITTEE ON REGIONAL & REMOTE INDIGENOUS COMMUNITIES

About NSW Reconciliation Council

The New South Wales Reconciliation Council (NSWRC) is the peak representative body for reconciliation in NSW. The Council was established by dedicated members of the people's reconciliation movement in NSW to continue the unfinished business of reconciliation after the formal legislated process ended in 2001.

The NSW Reconciliation Council is a member-based, independent non-government organisation. We provide support and representation for a network of 60 Reconciliation Groups working at a local or regional level towards a reconciled Australia. Our purpose is: to advance the reconciliation process in NSW through the promotion of equitable & just communities that acknowledge & respect Aboriginal & Torres Strait Islander peoples, cultures & values.

Background

The Aboriginal population in NSW was, at 30 June 2006, 148,178 – comprising 2.2% of the population (NSW DAA, 2007:2). New South Wales has the largest Indigenous population in the country (ABS, 2006). In NSW, 77% of the Aboriginal population live in urban and regional areas, with 41,800 residing in Sydney in 2006.

However, in the most remote regions of NSW, the Aboriginal people comprise the largest proportion of the population (NSW DAA, 2007:12-14). Aboriginal people continue to make up an increasing proportion of the population with increasing remoteness, and comprise 32% of the population of very remote areas. However, it is important to also note that only (5.6%) of the Aboriginal people in NSW live in 'remote' or very remote areas (NSW Department of Health, 2006).

Statements Addressing Terms of Reference

The effectiveness of Australian Government policies following the Northern Territory Emergency Response, specifically on the state of health, welfare, education and law and order in regional and remote Indigenous communities

While NSWRC members have not directly experienced the impact of the NTER, members have raised serious concerns about various aspects of the response. While

the NSW Reconciliation Council welcomes the increased attention, focus and commitment of resources to addressing the issue of child safety, health & wellbeing, we believe the design, development and implementation of the NTER has been extremely problematic. Some of the concerns raised by members and Councillors are outlined below.

- Policies and programs rolled out under the NTER were not developed in partnership with Indigenous peoples. Overwhelming evidence demonstrates the importance of Indigenous participation in the design, implementation and monitoring of measures aimed at strengthening communities.
- The suspension of the *Racial Discrimination Act 1975* has meant that Indigenous people living within the prescribed communities in the NT are not protected from racial discrimination as other Australians are. The *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* must be amended, as a matter of urgency to bring the intervention in line with the *Racial Discrimination Act 1975*.
- The roll-out of compulsory 5-year leases demonstrates a disregard and disrespect for Aboriginal Land Rights. In order to obtain access to Aboriginal land, the Australian Government should be negotiating with communities rather than taking control over Aboriginal land.
- The blanket application of compulsory income management violates a number of human rights standards.
- The provision in the *Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007* enabling trials of linking welfare payments to school attendance and enrolment does not include a time limit on the trials, nor a limitation on the location of the trials. This is distinctly concerning given the lack of empirical evidence to indicate punitive measures such as this, will have a positive impact on the long-term wellbeing of children or their communities.
- As identified by the NTER Review Board, mechanisms for monitoring and evaluating the effectiveness of measures introduced under the NTER are inadequate and must be addressed as a matter of urgency. Without rigorous evaluation of these measures (including income management, alcohol bans, changes to the permit system, and the compulsory acquisition of Aboriginal land) it will be impossible to develop truly “evidence-based policy” for the benefit of Indigenous communities.

Another potential issue that may be faced by Aboriginal people in NSW as a result of the NTER, is that the concentration of attention and investment in the NT may perpetuate the misconception that Indigenous communities in NT face problems greater and more urgent than those faced by communities in urban and regional areas.

A further impact has been the redirection of Federal funding from communities throughout NSW. This has impacted on the range of cultural and economic programs being supported in NSW and focussed attention on so called 'partnership' communities. This has meant that many Indigenous communities have been forced to reduce their involvement in community activities and ironically, has made it more difficult for Government to actively engage with the Indigenous community. This brings into question the need for equity in funding arrangements as well as an analysis of funds provided to non-Indigenous organisations to provide services to the Indigenous community.

The impact of state and territory government policies on the wellbeing of regional and remote Indigenous communities

Two Ways Together

In NSW, the *Two Ways Together* Plan (2003-2012) establishes commitments to working in partnership with Aboriginal people. The objectives of the plan are to:

- *Develop committed partnerships between Aboriginal people and Government.*
- *Improve the social, economic and cultural and emotional wellbeing of Aboriginal people in New South Wales.*

The plan is a firm commitment to work with Aboriginal communities rather than for Aboriginal communities – a stark contrast to the approach recently adopted by the Federal Government under the NTER. Genuine partnership and the full participation of Indigenous people in the design, implementation and monitoring of government policy and service delivery is essential for improving community well-being.

While the commitment from the NSW Government to a partnership approach is significant, and is an approach which should be adopted by all governments, it is important to note that the NSW Legislative Council's Inquiry into *Overcoming Indigenous Disadvantage in NSW* (2008) found that a genuine partnership between the NSW Government and Aboriginal communities is yet to be realised.

The NSW Legislative Council's Inquiry into *Overcoming Indigenous Disadvantage in NSW* (2008) also made the following recommendation in relation to the promotion of cultural resilience across government policies: *That the Department of Aboriginal Affairs work with Indigenous community representatives and the Australian Government to develop a suitable definition of 'cultural resilience' to be used by all agencies when formulating and implementing policy objectives.* The NSWRC strongly supports this recommendation.

The health, welfare, education and security of children in regional and remote Indigenous communities

Community Development & Human-Rights Based Approach

The NSW Reconciliation Council believe that in order to improve well-being in Indigenous communities, government programs must be delivered through a community development framework aimed at building and strengthening local communities. Therefore, in addition to the provision of services, Governments has a role to play in supporting community governance structures. As the NTER Review Board stated,

If it is to work, community development must be led by the community and partnered by government. ... a relationship governed by principles of informed consent, participation and partnership. It will require structural support enabling robust and sophisticated dialogue, where common aspirations can be explored and regional and local agreements can be negotiated. (2008:8)

Equally, governments must ensure that any program or policy aimed at improving the health, welfare, education and security of children in Indigenous communities is consistent with our international human rights obligations and adopts a human rights-based approach. As outlined in the previous section, this was not the case for the NTER.

A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress (United Nations, 2006:15).

The United Nations has outlined a list of requirements for policy development and service delivery under a human rights based approach to development:

1. *People are recognised as key actors in their own development, rather than passive recipients of commodities and services.*
2. *Participation is both a means and a goal.*
3. *Strategies are empowering, not disempowering.*
4. *Both outcomes and processes are monitored and evaluated.*
5. *Analysis includes all stakeholders.*
6. *Programs focused on marginalized, disadvantaged, and excluded groups.*
7. *The development process is locally owned.*
8. *Programs aim to reduce disparity.*
9. *Both top-down and bottom-up approaches are used in synergy.*

10. *Situation analysis is used to identify immediate, underlying, and basic causes of development problems.*
11. *Measurable goals and targets are important in programming.*
12. *Strategic partnerships are developed and sustained.*
13. *Programs support accountability to all stakeholders.*

Support for Local Initiatives

Government has a role to play in supporting the development of locally driven projects. We support calls from the Human Rights & Equal Opportunity Commission (2007) for a simplified submission process for funding community initiatives. Funding should be available on a triennial basis. Simple, plain English printed materials and a centralised whole of government website are also needed containing comprehensive information on State and Commonwealth funding sources available community initiatives.

Long-Term Commitment

Policies and programs aimed at improving the health, welfare, education and security of children in regional, remote and urban communities require long term commitment. Programs must therefore be designed with a commitment to long-term and sustainable funding beyond the political cycle.

Coordination of Services

Improved coordination of services at the local or regional level is essential for the improvement of outcomes for Indigenous communities. State and Federal Governments need to address issues of inconsistency and duplication in their delivery of services.

Building on Successful Models

There is ample evidence to indicate that a positive experience with schools for students and parents, is more likely to improve school attendance rates than punitive approaches, such as the quarantining or denial of welfare payments to parents – the approach adopted by the Federal Government. Research has shown that students are more likely to attend school when:

- *They perceive school as a positive, caring place where they and their parents feel valued and welcome*
- *They have a positive and supportive relationship with their teachers*
- *They find schooling interesting and relevant – such as the curriculum being contextually and culturally relevant and aligned with Indigenous learning styles*
- *They see the connection between school and post-school education and employment opportunities that align with their individual aspirations*
- *Teachers have experience teaching in a cross-cultural and bilingual situation*

- *Teachers place reasonable demands on students and do not cap student potential or motivation by setting a low performance expectation; and*
- *Indigenous parents and communities are involved with the school and the teaching process (Behrendt & McCausland, 2008:30).*

The research and experience of Chris Sarra has similarly highlighted the important role of teachers and school culture in improving school attendance. Sarra has identified five key strategies for improving Indigenous education outcomes:

1. *Acknowledging, embracing and developing a positive sense of Aboriginal identity in schools*
2. *Acknowledging and embracing Aboriginal leadership in schools and school communities*
3. *'High expectations' leadership to ensure 'high expectations' classrooms, with 'high expectations' teacher / student relationships*
4. *Innovative and dynamic school models in complex social and cultural contexts*
5. *Innovative and dynamic school staffing models, especially for community school (Sarra, 2008:4).*

The NSW Reconciliation Council strongly believes that policies and programs aimed at improving education, and the health, welfare, and security of children, should build on existing models of success. Trialling untested approaches on vulnerable communities with limited protection from unintended negative impacts, is unjustifiable when successful models exist and could be applied across the country.

The employment and enterprise opportunities in regional and remote Indigenous communities

Training & Adult Education

The NSW Legislative Council's Inquiry into *Overcoming Indigenous Disadvantage in NSW* (2008) found that across most sectors in NSW, there is a strong need for additional Aboriginal employees, and that mentoring and training programs were needed to increase employment and retention rates.

Employment depends primarily on the development of skills, trades and social capital in communities. Adult education in regional and remote communities is paramount, if these communities are to move forward. The NSW Reconciliation Council strongly believes that additional investment is required in Aboriginal adult education and skills development programs, and in outreach courses for regional and remote areas where learning facilities are not provided. Programs need to be appropriate and relevant for communities, to support community development initiatives that can lead to new employment opportunities and community activities eg in tourism, local art and craft production and business development. Particularly

in regional and remote areas, education and training needs to cater for local futures in the hybrid economy, not just for mainstream futures (Hunt & Altman, 2008).

Employment Opportunities

Many major employers lack specific Aboriginal employment programs. Government has a role to play in encouraging and enabling companies to work with local Aboriginal communities to address Indigenous unemployment where they have a presence. Reconciliation Australia's Reconciliation Action Plan (RAP) program is a useful tool for facilitating this change.

Employment programs need to be based on an analysis of employment entry points in local industry, government and services within communities to enable skills matching for the current skills shortage in regional communities in NSW.

There is a large amount of community work needing to be undertaken. These factors provide an opportunity to build new strength in local communities. It is important that an approach matching school students with skill shortage areas is adopted and that skills are actively developed in those individuals so they can be employed in the relevant area. This can equally be applied to adults who have been unable to secure long term employment. For older members of the community, it is also important to recognise the role older members of the community play in business as well as the services they provide to the community and to the general public through Land Council work programs and Natural Resource Management activities. It is vital to create new employment opportunities to cater for these members of the community who may not have the skills or the desire to work in mainstream employment areas.

The NSW Reconciliation Council supports calls from HREOC that communities be supported by government to produce community economic development plans to ensure 'real jobs' are available.

Changes to CDEP

The proposed changes to the Community Development Employment Program (CDEP) present a significant challenge to many Indigenous communities in NSW. There has yet to be an analysis following the removal of CDEP from regional centres however members and Councillors report significant impacts on the way communities are operating in these areas. There has also been little attention paid to the transition of current CDEP participants.

Many communities have used CDEP to support community based not-for-profit organisations that have little or no other source of funds. With the proposal to end CDEP this could mean the closure of these organisations without support for replacement funding.

A further concern, should there be a reduction in the activities of community groups, is the reduction in the number of communities that will be able to be involved in

consultation with government. This could have an impact on the provision of cultural education programs, community development activities, as well as:

- Language development programs (with the NSW Board of Studies)
- Environmental programs (with NSW Natural Resource Advisory Council, NSW Protecting our Places Program and the Federal Natural Heritage Trust)
- Community support services

It has been acknowledged that Indigenous communities play an important role in understanding the environment and, as we tackle the challenges of climate change, recognition of this valuable role is increasingly important.

The NSW Reconciliation Council is concerned that the arbitrary removal of CDEP from many rural communities in NSW will remove the opportunity for governments to engage with and work with local Indigenous communities. An additional issue identified by NSWRC is the impact that the removal of CDEP will have on communities with Federal Government contracts. Such contracts often contain a contribution from CDEP to the overall budgets. Without replacement funding, there will be less money for employment however the expectation that contracted outcomes will be met, will remain. This will also mean that Indigenous people involved in these programs will have less money, creating increased pressures on finances, an increase in community stress, and a negative impact on individual health and well-being.

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