

**Select Committee on the Administration of
Indigenous Affairs**

**Inquiry into the Administration of Indigenous
Affairs**

Submission No: 225

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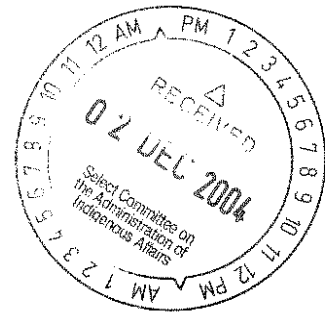
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Reconciliation Australia

30 November 2004

Jonathon Curtis
Secretary
Senate Select Committee on the
Administration of Indigenous Affairs
Parliament House, CANBERRA, 2600



Dear Jonathon

Reconciliation Australia is pleased to lodge the attached submission to the Inquiry into the Administration of Indigenous Affairs.

For the information of the Committee, we advise that copies of the submission will be sent to the Prime Minister, the Leader of the Opposition, the Minister for Indigenous Affairs and the Shadow Minister.

We will also be making the submission available publicly through Reconciliation Australia's website at www.reconciliation.org.au

We wish the Committee well in its consideration of this important issue and look forward to seeing the final report.

Best regards

Jackie Huggins AM
Co-Chair

The Hon Fred Chaney AO
Co-Chair



Reconciliation Australia

SUBMISSION FROM RECONCILIATION AUSTRALIA
TO THE SENATE SELECT COMMITTEE ON THE
ADMINISTRATION OF INDIGENOUS AFFAIRS
AUGUST, 2004

Introduction

Reconciliation Australia is pleased to make a submission to the Senate Select Committee on the Administration of Indigenous Affairs. In line with advice from the Committee Secretariat on options for submission format, we are choosing to make a short general submission and not to comment on the detailed provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004.

Given the current dismantling of the Aboriginal and Torres Strait Islander Commission (ATSIC), Reconciliation Australia believes it is more valuable for the Inquiry to concentrate on what comes next. It notes however frequently voiced concerns by Indigenous people about lack of consultation with the Indigenous community by both the Government and the Opposition before public announcement of their respective policies during the election campaign.

Although ATSIC was not an Indigenous creation, it operated as and was considered by many to be the voice of Indigenous Australia. It is essential that the framework which replaces ATSIC should have credibility with Indigenous people and effectively provide them with a voice.

Many Indigenous and non-Indigenous Australians are prepared to see the dismantling of ATSIC as an opportunity for constructive change. If this opportunity is not realised the implications for the Australian community generally are extremely serious. The demographics of Indigenous Australians are such that on current trends Australia faces very large increases in the number of people whose health, employment, housing and income may well be even worse than the current unacceptable levels. The consequences of failing to deal with issues effectively in the immediate future are potentially disastrous on both the social and economic front.

Reconciliation Australia's Board of Directors comprises people with a range of experience in, and perspective on, Indigenous affairs. This submission reflects the organisation's "bottom line" on how the demise of ATSIC can be translated into constructive reform and better outcomes through: engagement with Indigenous people at all levels of policy development and implementation; representative leadership; capacity building in government and Indigenous communities; and significantly, affording the process time and resources necessary to achieve objectives in this area which are common to Indigenous people, to government and to the broader Australian community.

New Directions in Indigenous Affairs

The Government's new direction in Indigenous affairs appears based on two fundamentals: better co-ordination of the work of governments and their agencies; and, most important, engaging and empowering Indigenous communities to run their own affairs and find their own solutions.

The Prime Minister spoke of the essence of the Government's approach in an interview on the ABC's *Lateline* program during the election campaign when he said: ". . . when you listen to the remarks of people like Noel Pearson and you hear their solutions in areas such as the Cape, you begin to understand that if communities are given the power to run their own affairs and to impose their own internal disciplines you will, over time, see an enormous improvement. We ought to be listening a lot more to those who believe that self-responsibility and personal empowerment in Aboriginal communities and the end of the welfare mentality are essential before we bring about a profound change for the better." (ABC, September 28). Reconciliation Australia broadly agrees with the Prime Minister's statements.

Proposed new arrangements include the establishment of a network of Indigenous Co-ordination Centres in regional and remote locations around the country. This means bringing together under one roof the multiplicity of agencies whose interaction with communities has been confusing and frustrating.

But it is the Indigenous side of the post-ATSIC equation that says the most about the new thinking in Indigenous affairs.

The plan is that ICCs will negotiate, plan and implement essential programs in health, housing, education, family violence, etc, with networks of elected and representative Indigenous organisations.

Initially, the ICC's will work with ATSIC regional bodies (due to be abolished in mid-2005). After that, the ICCs will work in partnership with whatever representative structures local Indigenous people decide to put in place within their regions.

The approach is imbued with a recognition that Indigenous people themselves and their direct engagement in finding solutions are the vital ingredients of positive change. There seems to be no disagreement about this.

Therefore, if the Government approach is to succeed then effective Indigenous governance structures must be developed regionally and nationally. This will, in most areas, take time.

Until now, national representative structures have been imposed by governments. The National Aboriginal Conference, Aboriginal Development Commission and ATSIC were not Indigenous creations.

What is possible now is something quite different. It is an historic opportunity and it needs time. There are a range of domestic and international models to demonstrate how this kind of authoritative representation can be achieved and how it can positively influence outcomes. A number of models were identified by the ATSIC inquiry.

Recommendation

That the timetable for the abolition of the Regional Councils be flexible and allow their continuance either as newly endorsed regional representative structures or until the Minister is satisfied there is a credible replacement for the regional council in place.

That the necessary level of support be given to communities to ensure that appropriate, Indigenous determined, regional structures are developed.

A National Voice for Indigenous Australians

Reconciliation Australia does not speak for Indigenous Australians but firmly believes in the principle that they should be responsible for determining the nature and membership of structures which represent them. This is the only means of providing an authentic and legitimate voice. Such a voice is important both to help shape policy and give it legitimacy and for enabling Indigenous Australians to call governments to account when their interests are not addressed.

Reconciliation Australia believes there is a need for a representative body at the national level. While the National Indigenous Council has attracted a number of well-credentialed Indigenous people it is a Government-appointed body chosen by government to give it advice. That role is different from a representative voice, chosen by Indigenous people, which can claim to speak on behalf of the Indigenous community.

For this reason, Reconciliation Australia has supported and continues to support Indigenous-led consultation before final decisions are made on a structure to replace the national representative role of ATSIC.

As the Committee is aware, Reconciliation Australia, in partnership with the Australian Indigenous Leadership Centre, is directly supporting a process to facilitate discussion and consideration among a wide range of influential Indigenous people on options for national representative leadership.

During the year, two meetings have been convened, the first in Melbourne followed by a larger gathering in Adelaide. The second meeting gave authority to a steering committee convened by Reconciliation Australia Director Professor Mick Dodson to take the process forward. Reconciliation Australia believes that Indigenous Australia should be afforded sufficient time, appropriate recognition of the realities of Indigenous politics and adequate resources to see this historic process through.

Recommendation

That the Government support the process referred to above with a view to supporting the establishment of an Indigenous owned national voice to represent the views of Indigenous Australians to governments and the community.

Mainstreaming Indigenous Affairs

Politics has determined the timing of the current re-shaping of Indigenous affairs at the national level. This being the case, there is great danger in applying as a model for universal change approaches such as the COAG trials, which are still highly experimental and have not yielded any quantifiable outcomes, let alone positive outcomes.

Past failure casts significant doubt on whole-of-government processes to Indigenous affairs and lack of Indigenous input into the 2004 policy developments raises serious concern. Reconciliation Australia acknowledges that many of these past policies have been well intended which in itself is a powerful reminder that setting good objectives is not what is difficult, it is delivery on those objectives.

A substantial number of past inquiries and resultant reports have produced many more recommendations than results. Given past good intentions what has been learned about what works and what does not?

Reconciliation Australia suggests that past experience tells us:

- the natural tendency of mainstream agencies is to cater to the mainstream. Without strong and consistent political and administrative leadership, agencies generally fail indigenous communities;
- mainstream service delivery which is not delivered in culturally appropriate ways is unlikely to succeed; and
- Indigenous organisations which are culturally appropriate and have authority in the community are essential to obtaining engagement of those communities

Just as it is dangerous to make assumptions about lack of capacity within Indigenous communities, it is potentially even more dangerous to assume capacity within government agencies to deliver this level of change. It appears that government policy is well ahead of government agencies' capacity to manage implementation or deal with its consequences. Systemic capacity-building is required to build leadership and promote change on both sides.

Reconciliation Australia supports the current trials being conducted under the auspices of the Council for Australian Governments (COAG). The COAG framework and related measurement structures provide a sound start but it is necessary to incorporate Indigenous measures of success – it is Indigenous lives that these proposed changes are intended to improve.

Provision of external accountability and independent analysis of progress across the trial sites are roles that could and should be played by a well established, legitimate national Indigenous body with solid policy and advocacy capacity. In the meantime, appropriate agencies should be engaged in the review process.

Recommendation

That the Productivity Commission and/or the Commonwealth Grants Commission be engaged to undertake an independent evaluation of the whole-of-government community trials initiative.

Good Governance is the Key

With significant success, Reconciliation Australia has promoted the importance of good Indigenous governance as the cornerstone of policy reform. Governance, or the lack of it, affects everything that happens to Indigenous Australians. It is an essential pre-requisite to community development and a vehicle for facilitating Indigenous people to take control of their lives.

If Indigenous people are not encouraged and supported in developing and maintaining strong governance structures, at national, regional and family group levels, they will not be in a position to engage with government on the proposed changes other than on an ad hoc basis that will achieve little.

In the words of Sam Jeffries, Chair of the Murdi Paaki Regional Council, Bourke, NSW:

Until now, insufficient weight has been given to the role good governance and what its adequate resourcing can play in improving outcomes for our people. They are directly associated with the securing and exercise of our human rights, the strengthening of Indigenous capacity to promote community development on our own terms, and to have restored to us leadership, responsibility and control.

These words are a reminder of the importance of good leadership to the creation and sustainability of good governance structures.

Recommendation

That the Government provide funding for research into best-practice models of governance reform and capacity building for Indigenous Australia, such as the work being undertaken by Reconciliation Australia and the Australian National University, and build on the findings of existing work on governance reform in Australia.

We Have the Tools

The 2003 Social Justice Report released by the Human Rights and Equal Opportunity Commission (HREOC) identifies promising signs that Australia is “moving in the right direction” in Indigenous affairs despite the serious, ongoing disadvantage experienced by many Indigenous people.

The Report provided a clear description of the positive steps all governments are taking and created what is, in effect, a toolbox that can be used in making a serious attack on Indigenous disadvantage.

The Commission indicated that, despite their disinclination to sign-up publicly, governments have accepted one of the fundamental initiatives recommended in the final report of our predecessors, the Council for Aboriginal Reconciliation. Key indicators have been developed through the COAG process and the need for whole-of-government approaches has been accepted.

The Social Justice Report highlights that there are essential next steps if good intentions are to be followed by good results. Both major political parties need to heed this sound advice as they continue to develop policy to take Indigenous affairs and reconciliation forward.

The toolbox must be unpacked and used if positive change is to be effected. What is needed are action plans for addressing Indigenous disadvantage and reconciliation. These plans must contain benchmarks with specific timeframes covering short, medium and long-term objectives for their implementation and realisation.

Conclusion

Government must understand and accept the reciprocal obligations involved in building good governance and good leadership in Indigenous communities.

If government is genuinely committed to fostering real change for Indigenous Australians, then it needs to take account of a wide range of related issues and be

prepared to undertake major long-term reforms including real jurisdictional devolution to Indigenous institutions, development of regional and local Indigenous authority structures and improved transparency in its relationship with Indigenous Australia.

As far as possible, partisan politics needs to be taken out of the Indigenous affairs debate. The process of reform of existing structures needs to be afforded time and appropriately directed resources to identify approaches with wide community support. Successive governments have shown the difficulty is as much in the execution as in the diagnosis. Achieving the Prime Minister's vision referred to earlier will require time, patience, consultation and engagement.