

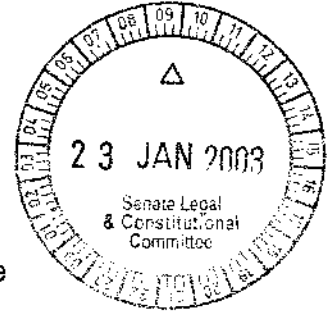


Minister For Education;
Sport and Recreation; Indigenous Affairs



Our Ref: 52813

Mr Peter Hallahan, Secretary
Australian Senate Legal and Constitutional References Committee
Parliament House
CANBERRA ACT 2600



Dear Mr Hallahan

Thank you for your letter of 11 September 2002 to the Premier of Western Australia, the Hon Dr Geoff Gallop MLA concerning the References Committee Inquiry on the Progress towards National Reconciliation. The Premier has asked me to respond on behalf of the WA State Government in my capacity as Minister of Indigenous Affairs.

I apologise for the delay in responding, but you will appreciate that the wide-ranging scope of the Inquiry has made it difficult to arrange for a prompt response. Because of the extensive scope of the matters referred to the Committee, this submission will focus on those matters in which the State has been most closely involved with the Commonwealth, particularly those that relate to outcomes of the Council of Australian Governments (COAG) and Ministerial Council on Aboriginal and Torres Strait Islander Affairs (MCATSIA) forums.

This approach will enable the State to comment on the Commonwealth response to major themes in each of the relevant documents (the Final Report of the Council for Aboriginal Reconciliation, the Roadmap for Reconciliation and the Social Justice Commissioner's 2000 and 2001 reports). It will also allow for some comment on matters 2(a), (b) and (c) relating to the processes for review of government policies and programs; the effective implementation of recommendations; and the adequacy and effectiveness of targets, benchmarks, monitoring and evaluation.

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At this stage, the State would prefer to leave comment on matter 2(d) regarding consistency with the needs and aspirations of Indigenous Australians to our colleagues in the Aboriginal and Torres Strait Islander Commission (ATSIC) and to other Indigenous Australians.

COAG Indigenous Indicators Framework

An important theme of each of the documents under consideration is the need for effective indicators, targets, benchmarks, and monitoring and evaluation mechanisms.

The development of the draft COAG Indigenous indicator framework (*Draft framework for reporting on Indigenous disadvantage*) is significant in this regard. The indicator framework will be a useful tool to trial the changes in policy settings and service delivery systems which are necessary to improve Indigenous outcomes.

However agreement on the relevant indicators will only assist with identifying what has already happened. For this to be of value there will also need to be agreed benchmarks against which to measure progress and agreed targets set for improvement in the indicators. These indicators, benchmarks and targets will also need to be linked to the budget and performance management processes across government in all jurisdictions if the framework is to become a genuine driver of government business.

As yet, there is no process for ensuring jurisdictions are accountable for performance on the agreed indicators. Public reporting on the indicators has been referred to the Productivity Commission but it is important that reporting be required from all agencies and should be the responsibility of government as a whole.

Within the draft framework, the agreement of the States, Territories and the Commonwealth Government on key strategic areas of action in Indigenous affairs is an important breakthrough which will allow for greater focus and improved alignment of programs and policies to address Indigenous disadvantage. However, agreement about which areas are the most strategic for governments to be working on is only a first step in providing the alignment being sought.

For agreement on strategic areas of action to be an effective tool, there will need to be more work done on the causal factors which influence outcomes in each of the areas. There also needs to be more attention paid to the policy rationale which underpins action in each of the strategic areas. Unless there is

common understanding of causes and agreement about policies to address the issues, the agreement on strategic areas of action will remain a largely symbolic one.

At present there is agreement on which areas require action but there is no agreement as to how to progress action in those areas.

There is some consensus emerging about what is required in broad terms to address the issues of practical reconciliation. This emerging consensus relates to the need for cross portfolio action, particularly in relation to early intervention and universal prevention strategies. There is also a widespread awareness of the importance of 'upstream' investment as a cost effective way of reducing the demand for 'tertiary services' (police, prisons, hospitals) and for improving health and social outcomes in the long term.

This emerging consensus has not as yet translated into agreement at the COAG level about how the strategic areas of action are to be addressed.

The agreement remains at the higher level and has not been embedded in the policies and practices of departments and agencies within the jurisdictions. In this regard, the WA State Government agrees with the criticisms of the Aboriginal Social Justice Commissioner.

Western Australia is committed to using the agreed strategic areas of action in its planning and output measurement processes across government but this process is at an early stage.

There is also potential to use the reporting framework as the basis for the review of the COAG Reconciliation Framework. COAG has committed to conducting this review in 2003 and it is the view of the WA Government that the review should focus on what is being done in the strategic areas of action and should use the indicator framework to do so.

COAG Priority Projects (Tjurabalan)

The Commonwealth is to be commended for its commitment to supporting the 10 priority projects identified by COAG. The focus on development of new ways of working in a coordinated fashion around specific locations is welcomed.

It is particularly important that in each of the project areas there is a mechanism in place to learn from the experience so that successful strategies can be replicated in other areas and pitfalls avoided. The COAG Priority Project at Tjurabalan is still at an early stage but the State is keen to ensure that such mechanisms are in place.

In addition to the research and analysis required within each of the project areas, there is a need for COAG to develop a strategy for using the experience more broadly and extending it across more communities.

In the long term, the aim of such a strategy should be to transform the relationship between Government and the Indigenous community as well as improving the effectiveness of Government's service provision. At present, there is no such long term strategy in place.

The priority projects are an example of the rhetoric of collaboration being put into practise. In other contexts such as the bilateral agreements between State and Commonwealth the commitment to collaboration is there in the agreement but in many cases significant obstacles to collaboration in practise remain.

Ministerial Council Action Plans

In November 2000 COAG requested that 24 Ministerial Councils develop action plans, performance reporting strategies and benchmarks as a strategy towards practical reconciliation. It is disappointing that there has been very slow progress in completing these plans.

The State understands that MCATSIA is reviewing these action plans and will provide COAG with advice on its findings. The review presents a great opportunity for ministerial councils to address the cross-portfolio issues that must be tackled to reduce Indigenous disadvantage.

Commonwealth Grants Commission Inquiry

The References Committee invites comment on the funding arrangements for bringing about progress on national reconciliation. The State notes the Grants Commission *Report on Indigenous Funding 2001* and the Commonwealth Government's response to that report. Rather than further address those issues in this response, I attach a summary analysis and assessment of the linkages and implications of those documents for WA.

This summary analysis was prepared by the Department of Indigenous Affairs. While it is not a statement of the Government's policy or views, I believe the References Committee may find it useful in its deliberations.

Concluding Remarks

Thank you for the opportunity to comment on the progress being made in relation to national reconciliation. Of all social justice issues facing Australia this

is the one on which we as legislators and managers of Government business will be judged by posterity.

We are making progress towards collaboration across Government and in partnership with Indigenous people but more remains to be done to achieve significant change. This was brought home to us here in WA in a most dramatic fashion by the recent report of the Gordon Inquiry into the response of Government agencies to allegations of child abuse and violence in Aboriginal communities.

The State Government has responded to the Inquiry with a \$75 million commitment over four years. Perhaps more important than the additional resources however is the realisation across the Government of the need to develop new ways of working in partnership with Indigenous people to address problems of child abuse and family violence.

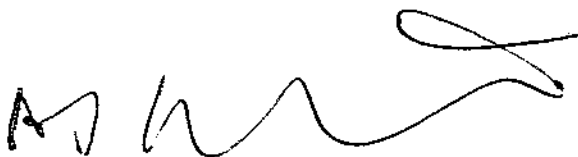
The State is pleased to note the subsequent commitments of the Prime Minister and COAG regarding shared responsibility between the Commonwealth, States and Territories and the agreement that there should be an increased national focus on Indigenous child protection issues to complement the COAG reconciliation framework.

The Commonwealth and Western Australia have agreed to develop a bilateral partnership to give priority within their program funding and delivery to Indigenous child protection strategies and services in specific communities, in line with the Gordon Inquiry.

The State is now keen to work with the Commonwealth to ensure that these commitments translate into practical initiatives developed in partnership with Indigenous people.

I trust this submission will be useful in your deliberations. If you require any further clarification on any points raised in this submission please contact Ms Lyne Acacio, Principal Policy Consultant at DIA, on (08) 9235 8028.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Carpenter', with a large, stylized flourish at the end.

Alan Carpenter MLA
MINISTER FOR INDIGENOUS AFFAIRS

21 JAN 2003

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DEPARTMENT OF INDIGENOUS AFFAIRS
WESTERN AUSTRALIA

**THE COMMONWEALTH GOVERNMENT RESPONSE TO
THE GRANTS COMMISSION *REPORT ON INDIGENOUS FUNDING 2001***

**A SUMMARY ANALYSIS AND ASSESSMENT OF THE LINKAGES AND
IMPLICATIONS FOR WESTERN AUSTRALIA**

AUGUST 2002

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J A DE JESUS
GOVERNMENT RELATIONS
POLICY AND COORDINATION DIRECTORATE

FOREWORD

This paper is an analysis of the Commonwealth Government Response to the detailed issues discussed in the *Report on Indigenous Funding 2001* provided by the Commonwealth Grants Commission to the Government on 28 March 2001. It also presents the linkages and implications of the Response for Western Australia.

The objective of the Department of Indigenous Affairs in releasing this paper is to encourage further consideration and promote wider discussion of the issues in Commonwealth/State funding arrangements that impact on the provision of programs and services for Western Australia's indigenous citizens.

This is intended as a first step towards development of capacity for collaborative building (between the State, the Commonwealth and the Aboriginal and Torres Strait Islander Commission ATSIC as the representative of the Indigenous community) of a broad framework for the indigenous affairs portfolio in Western Australia (and enable development of a Western Australian Indigenous Affairs Portfolio Plan¹ which can be updated annually).

It is envisaged that the outcomes from further consideration and discussions will feed into the work of the Western Australian Indigenous Affairs Advisory Committee's (IAAC) Working Group on Commonwealth/State Funding Arrangements.² It is proposed that the Working Group use the 2003/04 budget and planning processes (from October 2002 to June 2003) as the key driver for implementing the *Statement of Commitment* (Attachment 1) and for initiating coordinated practical strategies to address the priority areas for action reflected in the *Communiqué* (Attachment 2) with the Commonwealth and ATSIC.³

¹ The proposed concept of a Western Australian Indigenous Affairs Portfolio Plan is envisaged to provide a first level basis of agreement by all governments and agencies. The translation of the Plan to concrete deliverables also requires agreed responsibilities of each level of government in terms of service delivery and funding as two separate responsibility issues. Responsibility for service delivery should be on the basis of a longer-term plan aimed at achieving equitable delivery of services with stronger community and State agency input to planning and program formulation. Responsibility for funding is a matter for resolution between governments in accordance with an agreed servicing program. [See McCarrey L E, *Provision of Services to Aboriginal People in Western Australia: The Issues, An Action Plan and Proposed Legislation, A Paper for Discussion*, Perth WA; Aboriginal Affairs Legislative Review Reference Group, March 1996]

At another level of negotiations, decisions are required as to the range and level of services appropriate for communities being made on a regional or sub-regional basis in consultation with ATSIC and the communities. This will help remove confusion as to service delivery responsibility. [See McCarrey L E, *Provision of Services to Aboriginal People in Western Australia: The Issues, An Action Plan and Proposed Legislation, A Paper for Discussion*, Perth WA; Aboriginal Affairs Legislative Review Reference Group, March 1996]

² Established at its inaugural meeting on 20 December 2001, the Indigenous Affairs Advisory Committee (IAAC) is an integral part of the Western Australian Government's Indigenous Affairs policy commitment to building a *new and just relationship* with its indigenous citizens as reflected in the *Statement of Commitment* signed on 10 October 2001 by the Premier and the Chair of ATSIC WA State Council. The IAAC is the mechanism for whole-of-government management of indigenous affairs in Western Australia. Its key role of progressing strategic issues and developing agreed policy is undertaken through various cross-portfolio working group processes.

³ The second IAAC meeting held on 7 June 2002 attended by the Hon Philip Ruddock, Commonwealth Minister for Indigenous Affairs, marked the formal commitment to a three-way partnership between ATSIC (representing a single, united voice for Aboriginal Western Australians), the Commonwealth Government and the Western Australian Government to improve the social and economic outcomes of Aboriginal Western Australians. The *Communiqué* signed and issued on the day signalled the development of formal processes for strategic coordination

The paper is for endorsement by the Western Australian Government and the views expressed here should not be interpreted as those of the Government.

The endorsement of the paper (after incorporating comments from stakeholders and others) by the State Government is a step towards preparations for agreeing on strategies for enabling the development of systems in governments and communities that will enhance capacity to deliver better outcomes.

Such endorsement will allow the Working Group to work towards implementing the mutually agreed response (between the Commonwealth, the State and ATSIC) to the *Report on Indigenous Funding 2001* in Western Australia.⁴ It will also facilitate work towards agreement on a broad strategy (for 2003/04) with the Western Australian Departments of Treasury and Finance and the Premier and Cabinet and other agencies for linking agency outputs and funding to the Government's indigenous affairs objectives through the trilateral budget negotiation process. The targeted priority areas for the State from this process are:

- building resourcing for partnership and agreement making (local and regional agreements) into agencies' Output Based Management (OBM) framework;
- the implementation of the recommendations of the Gordon Inquiry; and
- improvements in the integration of Health service delivery, especially in rural and remote regions.

Comments on the paper are welcome and may be directed to:

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of planning and program delivery across all levels and sectors of government, linking Commonwealth and State Government agencies' service delivery, and involving Aboriginal communities in a collaborative approach.

⁴ At the 7 June 2002 meeting of the IAAC, it was agreed that the Working Group on Commonwealth/State Funding Arrangements will work towards formulating collaborative structures, processes and decision making arrangements at the local, regional and State levels to improve the alignment of funding to needs and outcomes through, amongst others, building on the Commonwealth Grants Commission's *Report on Indigenous Funding 2001*.

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OVERVIEW

The Commonwealth Government Response detailed in June 2002 declares a focus in coming years on the needs of remote and isolated indigenous communities whilst also taking into account Indigenous people and communities in regional and urban metropolitan areas by: 1) improving the delivery of mainstream programs; 2) increasing the ability of indigenous-specific programs to meet the urgent needs of those in remote areas; and 3) better aligning mainstream and indigenous-specific resources to meet the identified geographic distribution of indigenous need.⁵

The Government committed to five action points (Attachment 3) in response to the detailed issues discussed in the *Report on Indigenous Funding 2001*.

The key planks evident in the Commonwealth Response which underpin an increase in the effort towards improving service delivery and program alignment with needs are: 1) partnership with the Indigenous community and partnerships with the states and territories; 2) whole-of-government approach; 3) capacity building; 4) performance monitoring; and 5) continuous improvement (developing and adopting new ways of doing business) in terms of identifying and measuring need and linking resources and needs.

These provide direction to Government spending in Aboriginal affairs, some \$2.5 billion in 2002-03. An undertaking by the Minister for Immigration, Multicultural and Indigenous Affairs to report publicly on progress in 2005-06 will ensure the Indigenous community as well as the broader community are kept informed in terms of the impact and/or effectiveness of the Government Response.

The Government's approach focuses implicitly (and necessarily) on continuous improvement in: 1) responding to needs through mainstream service systems; 2) rationalizing indigenous-specific programs and aligning mainstream and indigenous-specific resources; and 3) applying the broad principles (Attachment 4) adopted to guide approach to meeting needs, including improving data quality and availability.

In a nutshell, this Commonwealth policy direction is being driven through the Commonwealth Ministerial Group on Indigenous Issues incorporating a Commonwealth Secretaries Group that is supported by a Task Force. Established in April 2002, the Secretaries Group oversees the development and implementation of activities under key agreed principles to guide whole-of-government approach to service delivery in indigenous communities. It is imperative that Western Australia sets up an efficient and effective link to this Ministerial Group and associated group processes to achieve synergy and maximize benefits for the State's indigenous citizens.

The underlying reasons for such an approach in the Commonwealth Response will be apparent in the discussion that follows...

⁵ The Commonwealth Grants Commission (CGC) found that while the needs of Indigenous Australians are high in every region, the highest needs are in the remote regions where people are often beyond the reach of mainstream programs. The illustrative indicators developed by the CGC (mainly on the basis of the 1996 Census) consistently point to the highest needs per person or per household being in the remote ATSI regions. Similarly, the Australian Bureau of Statistics (ABS) experimental index of indigenous socio-economic disadvantage suggests that 80% of the most socio-economically disadvantaged Indigenous Australians live in very remote Australia. Moreover, a cross-classification of the indigenous population by the experimental Accessibility/Remoteness Index of Australia (ARIA) suggests a general trend that indigenous socio-economic disadvantage increases with remoteness.

Additionally, the CGC found that mainstream programs and services intended to meet the needs of *all* Australians, do not meet the needs of Indigenous Australians *to the same extent* as they meet the needs of non-Indigenous Australians.

The Commonwealth Grants Commission (CGC) Indigenous Funding Inquiry was initiated because despite the long-standing and increasing commitment of government resources to the needs of Indigenous Australians, the outcomes in terms of reduced disadvantage were below reasonable expectations.⁶

The Commonwealth Government Response to the outcomes of the inquiry, although detailed only in June 2002, was evident since early this year.

Drawing on the November 2000 Council of Australian Governments (COAG) response to Aboriginal Reconciliation and on the March 2001 CGC *Report on Indigenous Funding*, the Government Response is consistent with its 2001 re-election commitment⁷ towards improving the circumstances of Indigenous people through: 1) improving access to mainstream programs and services (at both the Commonwealth and State levels) in urban and regional centers to free up more resources for remote communities; and 2) developing new ways of doing business.

⁶ In September 1998 the Commonwealth Government indicated its intentions to work with the Indigenous community and the Aboriginal and Torres Strait Islander Commission (ATSIC) to develop and adopt appropriate arrangements to improve the allocation of funding. The Commonwealth Grants Commission was then commissioned to conduct the Indigenous Funding Inquiry in November 1999 to make recommendations on the relative needs of Indigenous groups between regions in key functional areas, and to report by March 2001.

⁷ The Howard Government, *Putting Australia's Interests First, Election 2001*, Indigenous Australians - A National Commitment, 2001.

KEY PLANKS OF THE COMMONWEALTH RESPONSE

Partnerships and Whole-of-Government Approach

The establishment of a Commonwealth Ministerial Group on Indigenous Issues incorporating a Commonwealth Secretaries Group that is supported by a Task Force demonstrates the Government's commitment to its new policy direction.

The formation of a Secretaries Group overseeing: 1) the development of 'whole-of-government activity' across Commonwealth agencies; and 2) the Commonwealth response to the April 2002 COAG agreement to trial a flexible whole-of-government approach (in conjunction with the Indigenous community and the states and territories) in up to 10 communities or regions, reflects the Government's response to the findings of the CGC Indigenous Funding Inquiry.

The terms of reference of the Secretaries Group include: 1) promoting coordination between Commonwealth agencies in addressing indigenous issues; 2) overseeing development of linkages between Commonwealth and State and Territory programs that improve service delivery to indigenous communities; and 3) fostering cross-portfolio partnerships to develop and deliver targeted initiatives to address indigenous disadvantage.

The framework underpinning the Commonwealth whole-of-government approach incorporates partnership with the Indigenous community and partnerships with the states and territories (cooperative decision-making), performance monitoring and continuous improvement in identified areas. These are consistent with the conclusions of the CGC based on its findings.

Capacity Building (Governments and the Indigenous Community)

The Commonwealth Response recognizes the need for 'capacity building' of both governments and the Indigenous community.

Amongst the broad principles (Attachment 4) adopted by the Government to guide its approach to meeting the needs of Indigenous people are: 1) coordination of service delivery within and between governments; and 2) improvement of 'community capacity to manage' as a key factor in achieving sustainable outcomes for indigenous communities.

The application of these principles is apparent in the establishment of the Commonwealth Secretaries Group on Indigenous Issues in response to the COAG agreement to trial a flexible, cooperative whole-of-government approach to service delivery in indigenous communities. This reflects the

Government's recognition that multi-jurisdictional and cross-sectoral approaches (in partnership with the Indigenous community) are needed.

Efforts towards improving 'community capacity to manage' should arise from the Commonwealth's response to the COAG trial. The COAG trial is about improving the way governments interact with each other and with communities to enable delivery of more effective responses to indigenous needs.

Performance Monitoring

Reflecting a move to ensure that states and territories fulfill their share of responsibilities to their indigenous citizens, the inclusion of clearer indigenous policy objectives and performance monitoring requirements in renegotiated specific purpose payments (SPPs in the areas of health, housing, infrastructure and education) is a key element of the Commonwealth Response.

Continuous Improvement Required

Acknowledging that Indigenous Australians "have a right to expect the level of services that other Australians receive" and, given:

- 1) the huge gap between the socio-economic status of Indigenous and non-Indigenous Australians; and
- 2) the complex issues around the identification and measurement of need, including the difficulties and complicating factors surrounding the links between needs (outcomes) and resource allocation,

the approach the Government has adopted focuses implicitly (and necessarily) on continuous improvement in:

- 1) data quality and availability;
- 2) program alignment with needs (program design and delivery);
- 3) the rationalization of indigenous-specific programs including the alignment of mainstream and indigenous-specific resources;
- 4) mainstream service systems to make them increasingly more responsive and providing the unmet needs of Indigenous people; and
- 5) the application of broad principles for equitable provision of services,

and on the development of its capacity to measure need in terms of outcomes.

Identifying and Measuring Need

The Commonwealth agrees with the CGC that indigenous needs should be defined in terms of *outcomes*, or *indicators of relative status* of Indigenous Australians compared with non-Indigenous Australians. Hence its declared focus is on further developing its capacity to measure need in terms of outcomes rather than the usual concept of needs in terms of resource inputs allocated to particular policy interventions and reported against the amounts of funds allocated or the number of services provided.

In addition, noting the difficulty of developing purely mathematical measures of need (primarily because of the absence of adequate and reliable data), the Commonwealth commits to improving data quality and availability in order to improve the policy base for its programs and services.

Linking Resources and Needs

The Commonwealth agrees with the CGC that, with the exception of housing, **there is no obvious and simple proportional relationship between a measure of needs based on outcomes and the funds and specific policy interventions (or government programs) required for achieving those outcomes.**⁸

As discussed by the CGC in its report, even if appropriate indexes of relative need could be constructed on the basis of adequate data, **there are four complicating factors impacting on the relationship between needs and resource allocation** ie. 1) Australia's federal system of governance; 2) programs and services; 3) interactions between functions; and 4) measurability of the links between the funds made available to meet needs and the resulting changes in outcomes (see brief discussion in Attachment 5). These factors would also have to be considered before indexes could be used to allocate resources.

The role and responsibility of the Indigenous community as a partner in this process is a final critical dimension that the Commonwealth recognizes as also affecting the resource allocation decision.

Rationalising Indigenous-specific Programs and Aligning Mainstream and Indigenous-specific Resources

The Commonwealth thus recognizes that the absence of a simple relationship between need and resource allocation means that **the Government and its agencies must make judgements** when they appropriate resources for

⁸ The CGC's findings indicate that clear relationships between inputs and measures of needs (or outcomes) are not established and are unlikely to be simple, uniform or consistent in all circumstances, eg. it is possible that in some cases (eg. high needs arising from Environmental Health problems) relatively low levels of funds may produce high gains in health outcomes; in others (eg. where social problems predominate) large expenditures may be required to achieve small gains.

indigenous-specific programs and when they distribute those resources on a regional basis.

The Government has indicated that its firm preference is for these decisions to be based, to the maximum extent possible, on evidence and that they not be unduly influenced by historical practice. It could thus be expected that the Government will work to continuously improve the information available and the processes used to guide those decisions.

Acknowledging the potential risks from large-scale redistribution (loss of investments made over time), the Government believes that such risks can be potentially managed and will consider opportunities to better align resources with need as they emerge. It has indicated that any such consideration would be pursued on a portfolio-by-portfolio basis through the Government's normal policy planning, development and review processes in consultation with the Indigenous community.

Responding to Needs through Mainstream Systems

Additionally, where consideration is being given to reallocating resources to areas of higher need, the Government has declared it will ensure mainstream service systems are more responsive and appropriate to the needs of Indigenous Australians in areas where they are accessible as a necessary first step to help reduce unmet need.

In this regard, decisions will necessarily have to take account of the fact that service delivery arrangements can be a complex mix of mainstream and indigenous-specific services provided by government, non-government and community-controlled sectors.

The Government has also indicated that given the entrenched levels of disadvantage experienced by Indigenous people, it would canvass all the implications of resource distribution before any decisions are made. In this context **the Government indicated it will, from time to time, consider the benefits of redistributing existing resources within individual programs on a case-by-case basis.**

The above approaches are consistent with the CGC's conclusion that "it might be more appropriate to maintain the existing distribution of current resources and apply new distribution approaches to new and expanded funds if and when they are made available" given that the "real costs of redistribution may be high" and that any change in distribution methods "has an inescapable implication that some regions would lose funding and others would gain".

Applying the Broad Principles to Guide Approach to Meeting Needs

As discussed by the CGC, principles for allocating funds are also required on top of considerations relating to the technical relationships between needs indicators, services and resources.

The CGC also indicated that funds allocation decisions should be based on a clear understanding of the **concept of equity** and the **approach to equity** (as there are different concepts of equity and how it can be achieved).⁹ It views the choice between possible approaches to equity as a **matter of judgement rather than technical analysis**, and that the choice rests on the concept of equity that is held. As this is an issue on which there are differing views, the CGC advised that Indigenous people should be involved in making decisions about the appropriate concept and approach.¹⁰

The Aboriginal and Torres Strait Islander Commission (ATSIC), being the Indigenous peoples' national voice, is party to discussions and negotiations in the Commonwealth Secretaries Group on Indigenous Issues. The Commonwealth recognizes that in targeting resources to achieve the identified outcomes, judgments need to be made about which aspects of those outcomes are more important and relevant to Indigenous Australians.

The Commonwealth also agrees with the CGC that regional indexes of relative needs can be a useful tool when used in conjunction with local data and knowledge (for assisting policy makers and program managers in terms of deciding on funding distributions). In this regard its priority is to work on data improvements to enable the development of robust regional needs analyses.

⁹ Some possible approaches to equity discussed by the CGC: 1) equal outcomes are achieved; 2) resources are shared equally among all locations (allocation may be based on population shares); 3) resources go to the areas where they can produce the greatest good (capacity to benefit approach introduces an element of efficiency into the allocation); 4) resources go to areas where the people have the greatest capacity to use them effectively (introducing another perspective of capacity to benefit: rewards the efficient or the more advanced groups rather than those in most need; may increase differences between groups as funds may go to the better off communities).

¹⁰ The equity objective in the allocation processes of the National Aboriginal Health Strategy (NAHS - the largest single Indigenous-specific infrastructure and housing program) is not accepted by all, despite the benefits in its procedures acknowledged by the CGC. Some of these views suggest a belief that equity is achieved by a more equal sharing of currently available funds, rather than allocation on the basis of relative need of groups of people.

LINKAGES AND IMPLICATIONS OF THE COMMONWEALTH RESPONSE FOR WESTERN AUSTRALIA

Confluence of the Commonwealth and Western Australian Government Policy Approaches

There is an excellent convergence of the Commonwealth and the Western Australian indigenous affairs agenda and policy horizons that provide a breadth of opportunities and the required latitude to collaborate and plan an incremental agenda for building a 'joined up' approach towards better outcomes for Aboriginal Western Australians.

Western Australia's indigenous affairs policy framework (based around 'equality in citizenship rights' and 'respect for traditional ownership rights') and implementation approach (based around a partnership framework that includes a Statewide administrative framework and a structure for continuing dialogue) sit well with the Commonwealth's indigenous affairs policy direction and implementation approach (in response to the CGC *Report on Indigenous Funding 2001*).

The Commonwealth's focus on freeing up more resources towards meeting the needs of remote and isolated communities whilst being mindful of the needs of those in regional and urban localities is poised to be responsive to Western Australia's policy framework and approach which recognize the significantly varying circumstances of Aboriginal people living in urban areas from those who have traditional links with land.

Western Australia's approach focuses on two strategies: 1) building regional agreements around Native Title determinations with the view to a negotiated and coordinated approach to addressing both Native Title and non-Native Title outcomes; 2) addressing urgent law and order priorities in urban locations and developing a longer term approach that emphasizes inclusion and proactive strategies.

Although the general trend is that Indigenous socio-economic disadvantage increases with remoteness, the majority of Indigenous people live in accessible areas and so there are some urban localities with significant numbers of highly disadvantaged people, eg. Swan in Western Australia.¹¹

Western Australia's key initiatives under the *Statement of Commitment* deal with strategic issues such as: local and regional approaches; improved Indigenous governance; more effective government coordination; partnerships between Indigenous communities, government and the business

¹¹ CGC, *Report on Indigenous Funding 2001*, vol 2 p 408.

sector; and the development of agreed benchmarks and indicators on Indigenous disadvantage. These same issues were the key issues for a collaborative approach agreed between the Commonwealth and the State Government in conjunction with ATSIC¹².

The key initiatives are intended to be all encompassing focus areas for applying and demonstrating efforts towards building a *new and just relationship* by:

- 1) jointly working with the Indigenous community to improve the Government's ability to understand and appropriately respond to the needs of Aboriginal Western Australians;
- 2) jointly working more closely with other governments and the business sector to achieve more effective government coordination and better integration of the state and market sectors (to install appropriate forms of governance¹³ for indigenous economic development that ensures a shift towards socio-economic equality);¹⁴ and
- 3) jointly learning from these cooperative approaches and applying the lessons more broadly.

The overarching key that will facilitate the materialization of jointly desired outcomes from these efforts is the development of systems in governments and communities (with built-in capacity for continuous review) that will enhance capacity to deliver outcomes and allow continual shaping of relevant and timely responses.

Background: Relevant Developments in Western Australia

Western Australia was swift in seizing opportunities and applying learning. The State was quick on the uptake and drew upon: 1) developments on Aboriginal Reconciliation at the national level (November 2000 COAG agreement to an approach based on improving governance and service delivery arrangements in indigenous communities including the setting of benchmarks for indigenous living standards); and 2) the outcomes of the CGC Indigenous Funding Inquiry (CGC draft report released in October 2000 with the final report provided to the Government on 28 March 2001 and released publicly on 20 September 2001).

¹² Communiqué of 7 June 2002 (Attachment 2).

¹³ See Altman, J *Enhancing Economic Development: Governance Challenges Facing Indigenous Communities Within Australia's Federal System*, Indigenous Governance Conference, 3-5 April 2002 Canberra.

¹⁴ Native title and non-native title outcomes from key priority projects under the *Statement of Commitment* could gradually lead to a reversal of the effects of past government policies which have inadvertently perpetuated dependence.

Statement of Commitment

On 10 October 2001 the *Statement of Commitment to A New and Just Relationship* between the Government of Western Australia and Aboriginal Western Australians was signed by the Premier, the Minister for Indigenous Affairs and ATSIC. The *Statement of Commitment* is based on: 1) a **new approach involving partnership between governments and communities**; 2) the assumption that the fundamental way the government has related to Aboriginal people in the past needs to change, and that unless the nature of that relationship changes, fiddling with other policies and programs will not deliver the rate and scale of change needed.

The *Statement of Commitment* is consistent with the November 2001 Commonwealth Government re-election commitment¹⁵ to improving the circumstances of Indigenous Australians based on developing new ways of doing business. The key elements of the *Statement of Commitment* include: 1) a shift from colonial/paternalistic approach; 2) treatment of Aboriginality as an asset, instead of a liability for the State's development; 3) community and government taking joint responsibility, ie. reform is needed on both sides.

To build the *new and just relationship*, a **partnership framework** including a Statewide **administrative framework** for regional and local agreements and a **Structure for Continuing Dialogue** which includes regularly negotiating and updating regional plans has been mutually agreed between the Western Australian Government and ATSIC.

Environment Ripe for Western Australia to Focus on Joining-up Efforts

The broad agreement that has been reached over the last year amongst the three highest political stakeholders (State, Commonwealth and ATSIC) on:

- 1) the need to work together;
- 2) the processes for working together; and
- 3) the broad priorities;

provides the foundation on which to build a more targeted, efficient and effective approach towards facilitating the materialization of mutually desired outcomes .

It provides a first level basis of agreement by all governments and the Indigenous community. The three elements that were broadly agreed on are

¹⁵ The Commonwealth Government election platform for Indigenous Affairs also drew on the COAG response to Aboriginal Reconciliation and on the outcomes of the CGC Report on Indigenous Funding 2001.

necessary elements of a 'joined-up government' approach that is inclusive of the Aboriginal community as an equal partner.

The *Statement of Commitment* and the *Communiqué* offer the perfect opportunity to jointly develop systems in governments and communities (with built-in capacity for continuous review) that will enhance capacity to deliver outcomes and allow continual shaping of relevant and timely responses.

There is now a network of sound working relationships between the parties (State, Commonwealth and ATSIC) at both the national and State levels that have developed through the work leading up to the signing of the *Statement of Commitment* and the *Communiqué* and their subsequent ongoing implementation.

Additionally, there is an adequate level of clarity in terms of mutual objectives and working processes that, coupled with the built-up culture of collaboration and trust at the policy level, will provide a sound basis for greater collaboration at the operational level.

For example, the need to integrate resources of the three major stakeholders has been accepted for sometime now (1992 *National Commitment to Improved Outcomes in the Delivery of Services to Aboriginal Peoples*). Quite detailed models (eg. IHANT and Coordinated Care Trials) are emerging in terms of how to make this happen [see Westbury, N and Sanders, W (2000) *Governance and Service Delivery for Remote Aboriginal Communities in the Northern Territory: challenges and opportunities*. ANU CAEPR Working Paper No 6/2000].

ATTACHMENT 1

Statement of Commitment to A New and Just Relationship

Between

The Government of Western Australia and Aboriginal Western Australians

1025



Government of
Western
Australia



ATSIC

STATEMENT OF COMMITMENT TO A NEW AND JUST RELATIONSHIP

between

**the Government of Western Australia and
Aboriginal Western Australians**



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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 ATSI 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

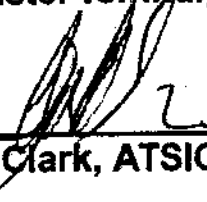
The basic structure for continuing dialogue will be based on:

- 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 10.10.2001
The Honourable Dr Geoff Gallop MLA
Premier for Western Australia

Signed by  Date 10/10/01
Mr Ian Trust
Chairperson, ATSIC WA State Council

Witnessed by  Date 10/10/01
The Honourable Alan Carpenter MLA
Minister for Indigenous Affairs

Witnessed by  Date 10/10/2001
Mr Geoff Clark, ATSIC National Chairman

ATTACHMENT 2

INDIGENOUS AFFAIRS ADVISORY COMMITTEE

Communiqué 7 June 2002

The Indigenous Affairs Advisory Committee (IAAC), comprised of heads of key State government agencies and the ATSIC State Council, and chaired by the Hon Alan Carpenter, Western Australian Minister for Indigenous Affairs, met with the Hon Philip Ruddock, Commonwealth Minister for Indigenous Affairs on 7 June 2002 and agreed on ways of joining up Commonwealth, State and ATSIC efforts to address the needs of Indigenous people in Western Australia.

The parties agreed to pursue a whole-of-government Indigenous community partnership approach focusing on achieving lasting results at the local level consistent with the Council of Australian Governments' National Reconciliation Framework.

As a means to achieve greater integration and effectiveness of services across governments, Minister Ruddock agreed to approach his Ministerial colleagues to seek their agreement for Commonwealth agencies to join the Indigenous Affairs Advisory Committee.

The Commonwealth and the State Government, working with ATSIC, agree on key issues for a collaborative approach to improve economic and social outcomes for Indigenous people in Western Australia. Key issues are: local and regional approaches; improved Indigenous governance; more effective government coordination; partnerships between Indigenous communities, government and the business sector; and the development of agreed benchmarks and indicators on Indigenous disadvantage.

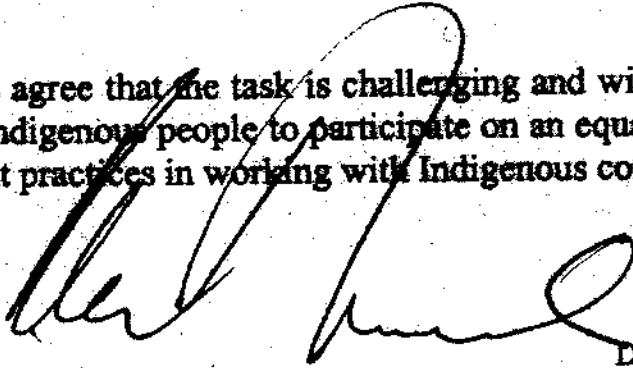
The collaborative approach will draw on headline and strategic change indicators being developed by the Ministerial Council on Aboriginal and Torres Strait Islander Affairs through the development of joint strategies around key areas for action including:

- Child development and growth
- Early school engagement
- Building on the strength of Indigenous community and culture

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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.

Signed by:



Date:

7/6/02.

The Honourable P. Ruddock
Commonwealth Minister of Indigenous Affairs

Signed by:



Date:

7/6/02

The Honourable Alan Carpenter MLA
State Minister of Indigenous Affairs

Signed by:



Date:

7/6/02.

Mr Ian Trust, Chairperson
ATSIC WA State Council

ATTACHMENT 3

Commonwealth Government Commitment to Action

Five Action¹⁶ Points Agreed to by the Government

First, the Government has adopted a set of principles to guide its approach to meeting the needs of Indigenous people (see Attachment 4).

Second, the Government will continue to act to reduce Indigenous disadvantage through improving the access of Indigenous Australians to mainstream programs and services and by better targeting indigenous-specific programs to areas of greatest need, including remote locations.

Third, where appropriate, renewed SPPs in the areas of health, housing, infrastructure, and education will seek to include clear Commonwealth objectives and associated reporting requirements in respect of inputs and regional outcomes for Indigenous Australians. Similarly, where the Government has funding formula under SPPs that recognize differential funding rates for Indigenous people on the basis of remoteness, the Government will re-examine whether the differential rate of funding is appropriate to the need, having regard to allocations available through other programs.

Fourth, where the government provides additional funding through mainstream services for Indigenous clients, and/or provides supplementary funding through indigenous-specific programs, it is committed to working towards having the ABS standard Indigenous identifier in the major mainstream administrative data sets.

Fifth, the Minister for Immigration and Multicultural and Indigenous Affairs will report publicly in the 2005-06 financial year on the geographic distribution of indigenous need, the alignment of mainstream and indigenous-specific resources to meet that need and the progress in making mainstream services more accessible to Indigenous Australians.

¹⁶ Reproduced from the 'Government Response to THE COMMONWEALTH GRANTS COMMISSION Report on Indigenous Funding 2001, June 2002.

ATTACHMENT 4

Broad Principles¹⁷ Adopted by the Commonwealth to Guide its Approach to Meeting the Needs of Indigenous Australians

Principles for equitable provision of services to Indigenous People

Indigenous Australians experience greater levels of social and economic disadvantage in comparison with non-Indigenous Australians. It is also the case that Indigenous people in the more rural and remote areas of Australia experience greater levels of disadvantage than Indigenous people in urban and regional centers. In allocating resources to redress this disadvantage, the Government seeks to apply the following principles:

1. The design and delivery of services to meet Indigenous needs should be flexible and undertaken on the basis of partnerships and shared responsibilities with Indigenous people in a culturally and locationally appropriate way.
2. The development of a long term perspective in the funding, design and implementation of programs and services to provide a secure context for setting goals.
3. Access to services will be provided on the basis of need and equity to all Australians, including Indigenous Australians, with a clear focus on achieving measurable outcomes.
4. Mainstream programs and services have the same responsibility to assist Indigenous Australians as other Australians.
5. The resources needed to address the specific disadvantages faced by Indigenous clients, whether delivered through the mainstream or Indigenous-specific services, can be greater than for other clients, especially in rural and remote locations.
6. Where mainstream services are unable to effectively meet the needs of Indigenous people (whether due to geographic limits to availability or other barriers to access) additional Indigenous-specific services are required.
7. Overall capacity to achieve outcomes is an important factor when considering whether Indigenous-specific programs and services should be established to meet identified need or whether to enhance mainstream programs.
8. Coordination of service delivery within and between governments.
9. Improving community capacity is a key factor in achieving sustainable outcomes for Indigenous communities.
10. Data collection systems require continuous improvement to ensure performance reporting on key Indigenous outcomes is of a high standard and enables resource allocation to be better aligned with identified need, including by geography.

¹⁷ Reproduced from the 'Government Response to THE COMMONWEALTH GRANTS COMMISSION Report on Indigenous Funding 2001, June 2002.

ATTACHMENT 5

Factors Affecting the Relationship Between Needs and Resource Allocation

Australia's federal system of governance

Australia's federal system of government has complex funding arrangements and as the needs of Indigenous people are met by funds from a range of sources¹⁸, an allocation process must take into account a range of resultant interactions.

The system blurs service delivery responsibility between levels of government and also results in some responsibility and cost shifting between governments and between agencies at the same level of government. For example, responsibility for the functions covered by the CGC Indigenous Funding Inquiry is split between the Commonwealth, State and local governments (except for the Employment function which is the responsibility of the Commonwealth). The split of responsibilities is supported by complex financial, administrative and legislative relationships between the three levels of government. These have implications for program design, funding and service delivery.¹⁹

With all of the higher order outcomes considered by the CGC, there are a number of government programs (Commonwealth programs, State and local government programs and a mix of programs funded and delivered cooperatively) designed to contribute towards achieving the desired outcome. **Responding to needs is, therefore, also a question of determining the optimum mix of Commonwealth, State and Territory programs and services, and modeling allocations of Commonwealth funds requires assumptions about the coordination, level and distribution of the funds from the other sources.**

¹⁸ The sources of funds available to meet needs are: 1) Commonwealth mainstream programs - that operate directly through payments to individuals or non-government service providers or through SPPs to the States or local government; 2) Commonwealth Indigenous-specific programs - funded partly through Commonwealth own-purpose outlays and partly through SPPs (tied funding), and include all ATSIC programs, direct funding of Aboriginal Community Controlled Health Services and the Indigenous Employment Program; 3) State and local government mainstream programs - funded from their own revenues and their general revenue assistance (untied funding) from the Commonwealth; 4) State and local government Indigenous-specific programs funded from their own revenues and their general revenue assistance (untied funding) from the Commonwealth; 5) private sector funds from charitable and other sources; and 6) user charges [CGC Report on Indigenous Funding 2001, pp 41-42].

¹⁹ Bilateral agreements (eg. in housing, infrastructure and health) developed under the umbrella of the *National Commitment to Improved Outcomes in the Delivery of Services to Aboriginal Peoples 1992*, have attempted to address some of these issues. Whilst drawing criticism from time to time, these forms of agreement remain the most effective current instrument for defining inter-governmental roles and financial responsibilities. [CAEPR Working Paper No.6/2000, *Governance and service delivery for remote Aboriginal communities in the Northern Territory: challenges and opportunities*, N Westbury and W Sanders].

Programs and Services

Funds for programs and services are required to meet needs so that outcomes are improved.

Local cost, efficiency and effectiveness factors that can and do vary between regions influence the types of programs and services and the service delivery processes that best meet needs in each region. These factors, therefore, have an effect on resource allocation and needs based allocation processes. In practice, these cannot be easily reflected in statistical collections. Usually, allowances are made through **consultative and collaborative processes**.

Cross-functional Interactions

Outcomes in one function rely partly on those in another, eg. employment outcomes are affected by initiatives aimed at improving education outcomes and community development.

Such links must be understood and taken into account if indexes of relative need are to be used to allocate resources. **In practice, this is increasingly being done through joint planning or coordinating mechanisms involving service and funding agencies and Indigenous people.**

Measurability of the Links Between the Funds and the Resulting Changes in Outcomes

The CGC's findings show that at the functional level, the relationships between differences in *indicators of relative need* and the requirements for funds to achieve better outcomes is *not* a simple exercise.

The CGC provided the following additional points to illustrate.

- Relationships between inputs and outcomes (or measures of needs) may not exist (outcomes may not improve at all with increased funding) if the people do not support some or all aspects of the services provided.
- The best ways of achieving particular outcomes generally differ with location, as would the efficiency and effectiveness of the service. For example, differences in community capacity affect the extent to which programs can be provided and managed locally, as well as the costs of doing so.
- Geographic location affects costs of service provision – employing a person, travel and freight generally costs more in remote areas. Differences between regions in the extent to which cultural practices and beliefs affect the way services are provided also influences costs.

The example provided was the assumption in Western Australia's Office of Aboriginal Health consultancy report that providing culturally appropriate health services could increase costs by 10 per cent.

The CGC indicated that building an understanding of the links and impacts amongst these factors and changes in outcomes require complex analysis that necessitates a detailed survey of service providers and indigenous communities including time series data that measure inputs and changes in outcomes.

The CGC concluded this information is not available and while the analysis would inform future decision-making processes, it would not avoid the need for judgement.