

**SPECIAL ADVISER ON INDIGENOUS AFFAIRS
QUARTERLY REPORT TO THE PREMIER AND
THE MINISTER FOR INDIGENOUS AFFAIRS**

3RD QUARTERLY REPORT: MARCH - MAY 2007

Introduction

This report from the Special Adviser covers the period from 1 March 2007 to 30 May 2007. It is provided in accordance with the Letter of Engagement dated 7 September 2006 and an oral request from the Premier delivered through his staff following a meeting with the Special Adviser on 1 May 2007.

Previous Reports have been in the form of the first Quarterly Report covering the period 1 September 2006 to 30 November 2007, and a report to the new Minister for Indigenous Affairs provided on 13 February 2007 in support of an oral brief also provided on that date.

The key issues identified in these two previous reports have been:

- There is a growing frustration with what is seen at this time as little support for local strategic planning by Aboriginal communities and no effective whole of government response to the complex linkages that underlie support requirements and community relations.
- The essential nature of the Bilateral Agreement calls for a strategic, whole of Government framework for Indigenous affairs in Western Australia and a commitment to Indigenous participation at all levels in the delivery of services to communities – requiring the State to reorganise the way it addresses Indigenous policy development and delivery of services.
- Having Aboriginal involvement in the policy development processes at the local, regional and state levels is fundamental to having an effective partnership and suggests that this principle should be the primary determinant of how the State organises itself to address Indigenous affairs.
- The likely outcomes of current Commonwealth Government policy and actions is the collapse of many remote communities and the eventual transfer of their social problems to regional towns, a number of which are already showing signs of being affected in this way.
- Where there are legitimate concerns about the long-term economic cost of supporting remote communities, and the limited opportunities available to young Aboriginals from them, these have to be offset against the social and economic costs of destabilisation of other centres, including the commensurate need for expansion of the justice, corrective, education and healthcare systems in the places to which they move.
- The rapid growth in numbers of adolescents and the fact that they represent future Aboriginal leadership, also suggest that an injection of leadership training and associated diversionary programs on a large

scale is the only way to prevent even larger numbers ending up in or returning to the justice and corrective system.

- Given the demographic and social trends in the Aboriginal community it appears likely that the State Government will have to build stronger alliances with NGOs and buy services from them in order to provide these diversionary programs.
- The growing dependence of the Australian economy on the export of commodities from Western Australia means that there is a powerful shared interest between Government and mining organisations in overcoming obstacles to the success of extraction programs and in establishing stable local workforces and social environments that sustain the presence in the resource areas into the future.
- Problems continue to lie at the feeder end of this process where the consequences of prolonged and continuing deterioration of both urban and remote/regional communities means that only a small percentage of young Aboriginals are in a position to take advantage of the opportunities offered. The long term answer has to be found in early childhood development and primary education of Aboriginal children, which, in turn, comes back to self respect, supportive families, appropriate health and housing, and includes both engagement in a partnership and alternative, constructive diversions in Aboriginal communities – Aboriginal people have to have a sense of owning the future based on respect for and advancement of their culture.

Activities During the Reporting Period

During the Reporting Period the Special Adviser has continued to travel to have discussion with and acquire information from Aboriginal communities and leaders, Commonwealth and State Government agencies, regional and local authorities, business organisations, education institutions and non-government agencies engaged with Indigenous issues. Among the many meetings with both government and non-government leaders, the most important was with the Premier on 30th April. Significant events during the period have been:

- Participation in the National Reconciliation Forum - Kalgoorlie 13-14 March
- Visit the Ngaanyatjaara Lands and discussions with the Ngaanyatjaara Council 19-21 March
- Discussions with the Eastern Goldfields indigenous service providers and local leaders - Kalgoorlie 22 March
- Discussions with the Regional Development Council - Esperance 23 March
- Discussions with Indigenous leaders and service providers - Esperance 23 March
- Meeting with the Maali Foundation - City of Swan 28 March
- Meeting on regional authority proposal with DIA and Martu representatives - Perth 12 April
- Discussions with the South West Aboriginal Land and Sea Council - Perth 13 April

- Deliver Sir Charles Court Oration to Chartered Practising Accountants of Australia Congress - Perth 15 May
- Discussions with the Aboriginal Education and Training Council – Edith Cowan University 16 April
- Meetings with City of Swan, Midland Aboriginal Men’s Group and Maali Foundation - Midland 16 April
- Discussions with Aboriginal Progress Association and Community Arts Network - Kellerberrin 18 April
- Visit Mogumber Mission with DIA representative - 19 April
- Visit and discussions with Clontarf Football Academy Staff and Board - 20 April
- Keynote address at Therapeutic Communities Summit – Fremantle 14 May
- Meeting with the Martu Council Leaders - Jigalong 16-17 May
- Discussions with Kimberley Development Commission - Broome 18 May.
- Discussions with the Chairman of the Kimberley Development Commission and Chairman of the Lingiari Foundation - Broome 19 May
- Meeting with leadership of most of the trans-Kimberley Aboriginal Groups - Fitzroy Crossing 21-22 May.

During the period September 2006 – April 2007 the Special Adviser has also been involved as a team leader with the Global Foundation in a process designed to establish a strategic framework for Australian internal and external engagement in what was seen as a rapidly changing global and environmental order. Major business, academic and government organisations participated throughout the process. The culmination of the first phase was a national roundtable in Melbourne in April, which included presentations by the Prime Minister and the Leader of the Opposition. The strategic importance of engaging and changing the dynamics of the relationship with Indigenous Australians was a key outcome of every aspect of this process, and can be expected to have increased focus as the Foundation’s work proceeds.

In addition to the above, because the role of providing advice requires it, considerable time has been given to the purpose of tracking the intent and outcomes of both Federal and State activities arising out of the Bilateral Agreement, Regional Partnership Agreements, other Shared Responsibility Agreements and COAG trials – what the Commonwealth Government describes as the new arrangements in Indigenous affairs. This has not been easy due to the fact that:

- the underlying agenda behind the policy of overcoming Indigenous disadvantage is not clearly articulated, particularly with respect to land and cultural issues, and is therefore clouding the intentions and commitment of the State Government in the minds of Aboriginal people and others who do not have direct access to the relevant ministerial offices,
- the programs for implementation of the Bilateral Agreement are not openly articulated and negotiated and appear to be changing on a random basis, and,

- while acknowledging that the new Agreement on Indigenous Affairs between the Commonwealth and the State is only 12 months old, the structure and workings of the bodies identified to develop and oversee the implementation, ie, the Intergovernmental Indigenous Affairs Group, the Director General's Group, the State Coordination Group and the Regional Managers Forums, are not transparent to anyone, let alone those Aboriginal communities whose cooperation has been identified as essential to the partnership approach behind the idea of shared responsibility.

The Special Adviser was also invited to engage in the later stages of consideration with the Steering Group for the Review of the Department of Indigenous Affairs conducted by Dr Dawn Casey. The outcomes of Cabinet consideration of Dr Casey's report are seen as fundamental to the development of a sustainable relationship with Indigenous West Australians and are eagerly awaited by Indigenous communities and State agencies alike.

Findings During the Reporting Period

The reporting period has been characterised by constant Media reports of dysfunctional behaviour in Aboriginal communities, primarily child abuse, but also a rising participation of Aboriginal people in what are regarded as acts of anti-social behaviour and in the justice and prison systems. Despite this focus, most of the discourse with leaders has been about the future and importance of Aboriginal law and culture on traditional lands and their concerns about the consequences of contemporary Government actions in this regard. These concerns are held equally across remote and regional Western Australia. The potential to benefit from the State's contemporary economic development and wealth is seen as an important opportunity, but not one that should be pursued at the expense of the enduring dimensions of culture.

The demise of ATSIC is generally accepted and regarded as an inevitable outcome of that organisation's inability to articulate and successfully drive the business of State and Commonwealth agencies to meet the needs of Indigenous communities. At the same time, there is a widespread view that what has happened since 2004 suggests intent on the part of governments to further disempower Indigenous people and erode gains that have been made since 1967. Discussions with community leaders have revealed a very serious lack of trust on the part of Aboriginal people in Western Australia, and that this lack of trust is the underlying sentiment in the emerging partnership agreements - despite the acknowledgement that impoverished and desperate communities have little alternative but to accede to the proscribed conditions in order to gain the delivery of services widely regarded as the right of Australian citizens.

Aboriginal communities have very little capacity to look after their own. It is therefore understandable that, in most instances, they have had to confine their commitment to immediate family and then the wider family group. This creates a corrosive problem with communities of mixed families and cultures.

Their inability to obtain sustained support for those strategic planning and development initiatives derived by them for the betterment of their communities is a source of despair and is regarded as a continuing expression of the paternalistic nature of government policy objectives.

Where creative leadership exists, there is a desire to be independent and self determining, but there is also a strong conviction that the Commonwealth policy objectives in particular, are assimilationist in intent and aimed at breaking down communities into their individual parts. As an example of this sentiment, the emerging pattern in Commonwealth Government programs to not fund Indigenous organisations for the delivery of many services as part of the mainstreaming component of policy, is seen by some Aboriginal leaders as part of this intent of cultural disempowerment. It should be acknowledged that, from this perspective, what are seen as rational steps towards efficiency by government bureaucracies may in fact be the cause of burgeoning complexity in Aboriginal communities and regional centres, and therefore be grossly inefficient in longer term outcomes.

Custodians of Aboriginal culture express deep concern about the generational consequences of these outcomes, and attribute to these causes much of what is occurring now within dysfunctional communities and in the alienation of Aboriginal youth. In this regard, there has been justified concern in recent times, in the Media and in the community at large, about family violence, youth suicide and child abuse in Aboriginal communities, and this has increased in intensity during the reporting period. Substance abuse, mostly alcohol, but increasingly drugs, is widespread and regarded as a primary contributor to the other symptoms of social dysfunction. Most of the communities visited have banned the consumption of alcohol but are often faced with the normal experiences of prohibition, ie, the problems move down the road to other communities and/or illicit import of substances becomes profitable for unscrupulous operators.

There have been suggestions included in Media speculation that much of this abuse can be attributed to traditional culture and behaviour – suggestions that are deeply offensive to many traditional leaders who regard them with suspicion as having a racist origin and intent. They point out that most of these offences do not occur in traditional communities - rather they occur in those hybrid communities that have arisen out of non Indigenous solutions to the Aboriginal problem in the past, including religious missions, pastoral workforces, the so-called stolen generation, and post 1967 relocations – all of which resonate with dimensions of abuse.

It is also worth observing that most of these hybrid communities were left in a semi lawless state by the Government for most of the last 40 years – until the Gordon Inquiry initiatives began the placement of multi-functional police stations and child protection officers. This would suggest that there is much more distressing evidence to be revealed across the full Australian landscape as the new law and order presence matures.

If the sentiments identified above are a true reflection of Aboriginal attitudes it points to a much more fundamental malaise than can be addressed by the sort of practical processes and outcomes being identified for Government funding under the Shared Responsibility Agreements (SRA) and Regional Partnership Agreements (RPA), ie, job creation and job training/education, more health facilities and workers, house and home ownership, more policing, more child protection workers and justice agreements. Without doubt, all these practical objectives are vital and there are many dedicated people, both government and non-government, applying themselves with energy and compassion to their achievement. As these initiatives proceed it appears likely that the situation will become more complex and will demand more resources than are currently available.

Disempowerment is widely understood to be a primary source of emotional and psychological stress. The problem of building trust and an enduring relationship remains essentially one of reconciliation that requires a fundamental change in the way policy objectives are set and followed through. It requires strategic leadership that is conscious of the deep psychological and healing dimensions of the undertaking and inspires hope and commitment – particularly among the emerging generations of Indigenous peoples.

What has been salutary in this engagement is the fact that the most successful programs in engaging Aboriginal people have been outside the mainstream – programs that have been creative in the sense that they have pursued solutions that are grounded in the perspective and circumstances of Aboriginal people. The determining characteristics are cultural sensitivity and flexibility. They are empowering. Examples include the earlier Argyle initiatives, Clontarf Aboriginal Football Academy, the Yirimin Foundation, the Wunan Foundation, and Indigenous Enterprise. There are many others, including the ongoing efforts of the larger resource extraction industries to generate social stability and employment opportunities in their areas of operation. All of them are dependent on some dimension of public funding, but also appeal to philanthropic sources on the basis of their success and the strategic leadership they engage in their Boards and Executives

This sort of strategic leadership is not readily apparent in current public sector activities and processes for engagement despite the imperative for governments to provide the framework for longer term social and economic development. From an Indigenous perspective, exactly the opposite is the case. Even though it is widely acknowledged that the Government's 2001 Statement of Commitment was a good expression of intent, the reality is that contemporary post ATSIC programs appear fractured, random and lacking in continuity, with intentions confused and transitory. High levels of turbulence in ministerial and executive appointments have contributed to this perception. The growing complexity emerging from this confusion is captured in the following selection of facts:

- The number of sex offence charges heard by the District Court in Kununurra increased by nearly 300 percent in the past 12 months

- The Indigenous adult prison population in WA has increased to 42 percent of the total
- Indigenous juvenile detention population is 80 percent of WA total
- Juveniles in detention not convicted of an offence – approx 90 at any one time
- 75 percent of adult Indigenous offenders in prison in June 2004 were repeat offenders
- In 2003, Indigenous people were eight times more likely to be victims of a violent offence
- The percentage of Aboriginal primary school students achieving national benchmarks in reading, writing and spelling up to Year 9 is approximately half that for non-Indigenous students. The numbers in higher education declined by nearly 30 percent between 2002 and 2004
- Indigenous Home Ownership is approximately 19 percent compared to 74 percent for the general population
- 43 percent of Indigenous people had a gross income of less than \$200 per week.
- Indigenous suicide rates are approximately double those for non-Indigenous people.
- 35 percent of Indigenous children were assessed as being of high or moderate risk of clinically significant emotional or behavioural difficulties
- Overcrowding in discrete WA Aboriginal communities (approx 17,000 persons) is nearly 40% with average population density ratios of between 8 and 50 persons per dwelling
- The life expectancy of Indigenous people is approximately 70 percent of that of non-Indigenous people

These sort of facts have widespread currency, but, what is little appreciated is that they reflect a deteriorating situation. Discussing this complexity with all government and non-government agencies involved, (including those constituted on an issues basis to include Aboriginal participation, eg, justice, education, health, heritage, land etc) has revealed that attempts to pursue their objectives on a regional basis are not working. The unanimous observation has been that none of these issues can be resolved favourably in other than a holistic manner, with all agencies engaged with communities in strategic planning and continuous oversight of programs. This growing complexity is widely recognised by those involved as being a consequence of the present approach. Several attempts to negotiate corporate approaches around local leaders have been observed throughout the State but all are frustrated by lack of a strategic framework in which to develop their plans, and by a lack of consistency in staff and funding.

The alternative “whole of government” and regionally based approach is identified as a key objective of the Bilateral Agreement and is presumably an objective of the Casey Review of the Department of Indigenous Affairs soon

to be considered by Cabinet. Unfortunately, this latter report appears quite narrow in its recommendations, leaving the details of how a whole of government approach would work to other studies and reports. Clearly, the existing regionally based Commonwealth Indigenous Coordination Centres (ICC) and Department of Indigenous Affairs place managers are intended to give expression to this aspect of the Bilateral Agreement, but they are not connected to overarching regional strategies nor responsible to regional authorities or local governments. Rather, they are connected to the same Commonwealth objectives that are mistrusted by Aboriginal people.

Put simply, there are no overarching regional strategies and Western Australia has no regional authorities that are capable of accepting strategic leadership responsibility on behalf of the State. While they may not be the only people who suffer as a consequence of this deficiency, it is suggested that Aboriginal people are the principal victims and, despite the regional nature of previous ATSIC arrangements, have obviously been so for a very long time.

In this regard, local government authorities are mostly mendicant and, at most, are only capable of dealing with municipal issues. They lack the capacity to plan and sustain a strategic agenda. Increasingly, they recognise that their problems can only be solved on a regional basis. The Department of Local Government is experimenting with a regional agenda based on the Wiluna Shire but this is unlikely to engage the full breadth of authority to pursue a strategic agenda.

There is widespread support for a regional approach to whole of government engagement, both within Indigenous communities and on the part of those organisations responsible for coordination of development and social outcomes in communities. Sustainability strategies arising out of the State's Sustainability Policy have identified a regional approach as the most appropriate. The existence of the Regional Development Commissions is an expression of the need for regional coordination of development, but they lack the capacity and the resources for community development and environmental oversight. They cannot develop a partnership with Indigenous communities. The Regional Development Council has developed a proposal for the establishment of a legislated statutory authority for both the Pilbara and the Kimberley - one that is understood to have unanimous support within the Regional Development Commissions.

There are other State precedents for regional development authorities, but the current Armadale Redevelopment Authority is the first to include a social policy agenda – albeit a time limited one. Other precedents for regional authorities with social policy agendas can be identified within other western liberal democracies.

Recommendations

The key issues identified in previous reports by the Special Adviser continue to apply but it is clear from the above that the dynamics of the developing

situation are chaotic and tragic, with Aboriginal cultures and people increasingly at risk and increasing numbers of Aboriginal adults and children alienated from society and engaging with the justice and corrective systems. This is occurring despite the best efforts of the State Government to follow up its Statement of Commitment signed in 2001 (including the Government's response to the Gordon Inquiry and the Aboriginal Justice Agreement), and to attempt to fulfil State objectives through the limiting processes of the Bilateral Agreement.

There are many recommendations that have already been made by other agencies with respect to community service delivery, health, housing, justice, policing, corrective services, safe environments, education generally but particularly literacy and numeracy, job training and readiness, natural resource management and governance. The written reports on these subjects are numerous and substantial. All these recommendations are being applied in part or are in the processes of planning. The engagement of non government and government agencies in these activities is wholesale. All activities are piecemeal and, while there will undoubtedly be some successes, the returns sought for the several billions of dollars being spent annually out of State, Commonwealth and corporate coffers are likely to remain elusive until there is a more holistic approach, one in which Aboriginal people are included in devising and pursuing sustainable regional strategies.

Previous attempts to drive a whole of government approach from the top down have failed. It is a fact that leaders lose interest when agendas do not reflect their need to offer solutions to their people's concerns. Agendas that engage people in a genuine partnership have to be developed from the bottom up. These have to be framed within an overarching strategic framework that allows flexible and creative solutions to be generated by people in the places where they live. Such a strategic framework is not simply about Aboriginal people, but includes them in a set of strategic objectives that are dynamic and embrace all aspects of State development.

To facilitate this requires a combination of strategic leadership and a secretariat that engages people across a broad cross section of interests in the shaping of the agenda from the bottom to the top of the process and back down again. These essential ingredients do not exist in Western Australia at present and will have to be generated if the State is to address the emerging complexity in its regions, including managing the consequences of massive increases in mineral extraction.

There is a need and an opportunity to follow through on this recommendation in the immediate future with the development of regional authorities in the sparsely populated Northwest regions of the Pilbara and the Kimberley. Apart from the strategic importance of these regions to the Australian and Western Australian economies and the relative integrity of the Aboriginal cultures within them, the prospect of more regional autonomy provides an opportunity for a compensating offset to the sense of disempowerment implied in the changing electoral balance at the next State election.

The fundamental concern with such developments is that of finding the creative leadership talent that is prepared to go to these regions and to make them work. This is not an insurmountable problem if the challenge is marketed in a way that emphasises authority and the opportunity to be creative – characteristics missing from the present system. Nevertheless, regional governance that includes building a partnership with Aboriginal people of the nature described in this report will require leadership training for both Indigenous and non Indigenous people to be employed throughout the system. Such training should be based on a research and development model that is connected in a dynamic way to the experience of the structures in the regions. In other words, people should be trained in an environmentally and culturally sensitive way that actually reflects the experiences on the ground and incorporates the successful outcomes and the results of applied research. Such a model and method could be expected to be the object of eager competition by universities and may attract the sponsorship of philanthropic and corporate bodies.

As a final recommendation, in the light of what has passed since the Government signed the Statement of Commitment with the now defunct ATSIC, and the low levels of trust that prevail in the present relationship, it is recommended that a reaffirmation of the Governments intent would serve a useful purpose in reinvigorating both the Government agencies and Aboriginal communities. The following Statement of Intent is offered as an example.

Premier's Intent for Indigenous Policy Development and Implementation in Western Australia:

My Government is committed to building Western Australia as a creative, sustainable and economically successful State that embraces the diversity of its people and values its rich natural resources*. We recognise that Aboriginal culture is directly connected to the land and the environment and is therefore a vital component in the building of this vibrant and sustainable future for all Western Australians. As Premier, I recognise that Aboriginal people suffer significant disadvantage and disempowerment as a consequence of past policies and actions, and therefore commit my Government to a program of affirmative action that addresses disadvantage through embracing Aboriginal people in a partnership based on equality and respect, including Aboriginal participation in the development of policies at the local, regional and State levels.