



AIATSIS

**Nyiyantang wuunggalu!
Indigenous insights
into effective policy
engagement and design**

Event Report

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Executive summary

Nyiyang wuunggalu! was AIATSIS' second symposium on Indigenous policy, held on 19–20 February 2020, at the National Portrait Gallery, Canberra.¹ In the Dhanggati language, nyiyang wuunggalu means 'let's work together'. This symposium focused on effective policy engagement and design with Indigenous Australians and explored ways to develop policy in genuine partnership with Aboriginal and Torres Strait Islander communities. In total, nineteen Indigenous policymakers and influencers shared their insights with over 230 attendees.

Although many diverse perspectives were shared, all speakers emphasised the need for a fundamental change in government policymaking, while stressing the important innovations undertaken by Indigenous organisations. Working in partnership with Aboriginal and Torres Strait Islander communities requires the realisation of a different paradigm – one that is strengths-based, invests in the long term, builds relationships, and uses Indigenous values and frameworks. In the meantime, Indigenous peoples are making policy, whether it is through nation-building programs, community controlled organisations, or making decisions about a growing Indigenous Estate.

Post-event surveys completed by attendees showed very positive feedback. The vast majority of respondents indicated that they would attend future events focused on similar themes, would recommend an AIATSIS symposium to a friend or colleague, and believed that the Symposium's value for money was either good or excellent. The survey also provided useful information about improvements for future symposia AIATSIS may hold.

¹ The first symposium, the 'Culture and Policy Symposium', was held on 6 March 2019 at AIATSIS' Acton Building. <https://aiatsis.gov.au/whats-new/news/aiatsis-culture-and-policy-symposium>

Event details

Nyiyanang wuunggalu! was held over two days, 19–20 February 2020, at the National Portrait Gallery, Canberra. The full program is available at Appendix A.

Key outcomes

- Nineteen leading Indigenous policymakers from a variety of sectors (community, government, academic) brought together in dialogue
- Attendance of over 230 people, mainly from a public service background
- Overwhelmingly positive feedback from post-event survey
- An edited monograph of papers, including papers based on Symposium presentations is currently being developed

Speakers

Day 1 consisted of six keynote lectures.

- Craig Ritchie, Chief Executive Officer, AIATSIS
- Professor Colleen Hayward, Head, Kurongkurl Katitjin, Centre for Indigenous Education and Research, Edith Cowan University
- Hoani Jeremy Lambert, Deputy Chief Executive, Voices of Children, Oranga Tamariki (Ministry for Children)
- Kevin Smith, CEO, Queensland South Native Title Services
- Dr Josie Douglas, Policy Manager, Central Land Council
- Professor Daryle Rigney, Director, Indigenous Nation Building, Jumbunna Institute for Indigenous Education & Research, University of Technology Sydney

Day 2 consisted of four panels, facilitated by Shelley Ware, with graphic recording by Sarah Firth. Each panel focused on a different aspect of effective policymaking with Indigenous Australians.

- Panel 1 – Engagement:
 - Romlie Mokak – Commissioner, Productivity Commission
 - Alistair Ferguson – Executive Director, Maranguka
 - Chris Simpson – Director, Return of Cultural Heritage Project, AIATSIS
- Panel 2 – Co-design:
 - Professor Peter Radoll – Pro Vice-Chancellor, Aboriginal and Torres Strait Islander Leadership and Strategy, University of Canberra
 - Gail Beck – Regional Development – Manager, South West Aboriginal Land and Sea Council
 - Ethan Williams – Coordinator, Cultural Connections Initiative, National Museum of Australia

- Panel 3 – Place-based policy:
 - Leila Smith – Chief Executive Officer, Aurora Education Foundation
 - Daniel Rose – Chief Executive Officer, Murdi Paaki Services Limited
 - Geoff Richardson PSM – Executive, First Nations Development Services
- Panel 4 – Emerging leaders:
 - Oliva Slater – PhD Scholar, University of Cambridge
 - Duane Fraser – Community Engagement and Indigenous Project Specialist
 - Dr Kristopher Wilson – Lecturer, Faculty of Law, University of Technology Sydney
 - Aurora Milroy – Institute Manager, Indigenous Knowledge Institute, University of Melbourne



Day one of the event.

Summary of key themes

Overall summary

The message emerging from Nyiyanang wuunggalu! was clear: Aboriginal and Torres Strait Islander peoples and communities are making their own policy, and if government wants to work 'with', rather than 'to' or 'for', them, then real structural reform is needed.

Day 1 of the Symposium opened with a powerful Welcome to Country by Ngunnawal Elder and AIATSIS Chief of Staff, Jude Barlow, who reminded delegates of the very real impacts of government policies on Aboriginal and Torres Strait Islander peoples.

AIATSIS CEO Craig Ritchie's opening keynote then set the scene of the dominant 'Aboriginal policy paradigm' that has and continues to constrain government policymaking, arguing that ideas such as Indigenous incapacity need to be replaced by a real appreciation and understanding of Indigenous assets, such as resilience and innovation. Professor Colleen Hayward echoed this sentiment in her urgent call that what was once enough, is no longer – we need to move beyond simply having more Aboriginal and Torres Strait Islander people in leadership positions and we need to start thinking about how frameworks of leadership can be structured around Indigenous ways of doing and thinking. Place-based policy is not sufficient; 'face-based' work is needed.

What followed was a series of insightful keynotes that highlighted different angles from which to see the challenges of Australia's current policy frameworks. Hoani Jeremy Lambert highlighted how Maori styles of leadership are being put at the forefront of changes to the Aotearoa/New Zealand public service. Kevin Smith suggested that we need to rethink policy as operating in a 'quad-partite' structure – adding Indigenous peoples' governance and the Indigenous Estate, on top of the existing three layers of Commonwealth, state and local government. Dr Josie Douglas outlined the policy perspective from central Australia, where she works, demonstrating the large gap between public servants in Canberra and those working in communities 'on the ground'. Finally, Professor Daryle Rigney outlined the nation-building activities of the Ngarrindjeri people, adding to Dr Douglas' picture of policy work outside of the Canberra bubble.

Day 2 saw a series of panels that elaborated upon many of the themes raised in Day 1, guided skilfully and entertainingly by MC, Shelley Ware. Although intended to provide the 'practical' aspect of the 'theory' outlined in Day 1, it soon became evident that such a separation is unhelpful. There are no hot 'policy tips' that can simply be slotted into government business as usual; the whole business of government needs to be re-thought to allow for real structural change.

Christopher Simpson, speaking about his 'engagement' work, gave the advice that policymakers need to 'hurry up and wait'; to carry out proper engagement and 'co-design' requires that governments recognise that their timelines often do not align with those of communities they wish to work with. Gail Beck noted in a similar vein that governments need to be working towards their own removal: true co-design should end in programs where government is no longer a part of implementation, and Geoff Richardson echoed this point in highlighting how place-based policy should ultimately be about Aboriginal and Torres Strait Islander self-determination.

Day 2 finished with a highly engaging panel from a group of emerging Indigenous leaders who echoed the themes of the past two days. Dr Kris Wilson reiterated the clear link between historical policy and the present, sparking a discussion about the role of truth telling, and how truth (and treaty) offers a way to fix the fundamental contradictions in the legal foundation of Australia. The panel ended with a recognition of the important policy work that Aboriginal and Torres Strait Islander people do – not only within the constraints of the public service, but outside, in community led and controlled organisations too.

Niyiannag wuungalu! concluded with the ball in the court of policymakers. Many Aboriginal and Torres Strait Islander individuals and communities are already heavily engaged in the process of making policy, inside and outside government. How will you build on their work – as friends, colleagues or allies – to create a better policy future that is truly led by Aboriginal and Torres Strait Islander people and peoples?

Day One – Keynotes



Craig Ritchie

Chief Executive Officer, AIATSIS

Mr Ritchie's presentation articulated an 'Aboriginal policy paradigm' which he argued has impeded the realisation of a 'doing with' approach to Indigenous policymaking. By first identifying the key elements that characterise this paradigm, Mr Ritchie then outlined an alternative approach – the 'contours of doing with' – that he suggested may allow governments to move beyond the constraints of the current policy space.

Key points:

- Malcolm Turnbull's mobilisation of the concept of doing 'with' rather than 'to', created a two-word mantra that has become an 'operational idiom' used by public servants – though largely in the realm of political rhetoric.
- The history of co-design with Indigenous Australians, as well as the development of our current Aboriginal policy paradigm, have long histories, which Ritchie traces to the 1970s.
- The 'Aboriginal policy paradigm' is characterised by concepts such as Aboriginal disadvantage, incapacity, passivity, failure, culpability and culture as pathology.
- The 'contours of doing with' present an alternative way of formulating Indigenous policy, and they involve a focus on Indigenous resilience, ingenuity, and synoptic thinking.
- Taking seriously these contours involves a change in our behaviour, including deep reflexivity about current practice, 'decolonising our solidarity' (being comfortable with taking a backseat), going beyond existing analytical frameworks, and building new narratives.



Professor Colleen Hayward

Head, Kurongkurl Katitjin, Centre for Indigenous Education and Research, Edith Cowan University.

Drawing from her extensive experience in a variety of sectors, Professor Hayward's presentation touched on numerous aspects of the policymaking process. In all these areas, Professor Hayward not only provided useful advice, but also urged policymakers to evolve their thinking and push boundaries.

Key points:

- Policymaking is effective when there is a commitment to agreement making at the highest level, beginning with principles. Policymakers need to be prepared to work with necessary constraints at any point in time, and recognise that negotiation necessarily involves compromise.
- Although the use of evidence in policy is more widespread, it is important to get agreement on the meaning and significance of data.
- Policymakers should not leave things to chance; they must give recommendations and early notice to those they work with.
- Our existing conception of Indigenous leadership is too simplistic. It is not enough to simply have people who are Aboriginal and/or Torres Strait Islander in leadership positions. Rather, it is important that these Indigenous leaders are qualified in an Indigenous sense, bring cultural authority and an Indigenous worldview. In this sense, effort must be placed on deliberately assisting young people to become the leaders of tomorrow.
- Place-based initiatives are good, but using the concept of 'face-based' can allow us to focus on people, and the capacity building that offers long-term success.



Hoani Jeremy Lambert

Deputy Chief Executive, Voices of Children, Oranga Tamariki – Ministry for Children

Speaking from the context of his Department, Oranga Tamariki (Ministry for Children), and the broader policy context of Aotearoa/New Zealand generally, Mr Lambert's presentation focused on cultural competence and a Maori leadership framework in the New Zealand public service. Manurau – a conceptual framework for Maori leadership – mobilises the notion of operating in 'two-worlds' and recognises not only Maori leaders, but also Maori leadership practice, echoing

some of the comments made by Professor Hayward in the preceding keynote.

Key points:

- In Aotearoa/New Zealand the Crown has been engaged in negotiating treaty settlements with many Maori tribes. Oranga Tamariki is focused on building partnerships to ensure that Maori children stay with their families. The department does not see themselves as having a long-term role in children's lives, but rather as a connection point to bring people back to family and culture, as well as to preserve genealogy (whakapapa).
- Manurau, a conceptual framework for Maori leadership, has been accepted by the State Services Commissioner and is now at a pilot stage. It recognises Maori leadership practice, not simply Maori leaders, which also reflects the importance of cultural competence from all public servants.
- The model of Maori leadership developed for the public sector includes four parts: transformational leadership, empower, collectivism and acting responsibly.



Kevin Smith

Chief Executive Officer, Queensland South Native Title Services

Mr Smith's presentation argued that First Nations peoples, whose legally-recognised lands now constitute a significant part of the country, are a *de facto* fourth level of government, creating a quad-partite system. Urging us to work towards a stronger structural alignment between the three layers of government and Indigenous peoples, Mr Smith also argued for the importance of building a community of practice and a team approach.

Key points:

- There is a disconnect between Indigenous affairs policy and native title, even though Indigenous peoples increasingly constitute a *de facto* fourth level of government.
- There are a number of dissimilarities between native title and Indigenous affairs – such as native title being relatively 'young' and having common law recognition, as well as important similarities – such as the focus of both on transactions, and an ostensible focus on negotiations. There are challenges in both areas of similarity and dissimilarity.
- To expand the interaction between these two spheres, it is important to implement rights within the policy setting (including those arising from the United Nations Declaration on the Rights of Indigenous Peoples, and free, prior and informed consent), as well as recognising the broader policy arena (Treaty, Voice, Makarrata, Closing the Gap etc.) and the role of Indigenous service providers.



Dr Josie Douglas

Executive Manager, Policy and Governance at Central Land Council

Dr Douglas' presentation took the audience to a very different policymaking environment than the Canberra-based one with which most of the audience were familiar. The Central Land Council is a large representative body governed by 90 Aboriginal people elected from communities in the southern half of the Northern Territory. This creates a complex, fast-moving policy context – made more complex by the five languages actively spoken in the Council. Douglas

questioned the audience, to what communities did they have to explain their policies; who was holding them accountable?

Key points:

- The Central Land Council is a large representative body governed by 90 Aboriginal people elected from communities in the southern half of the Northern Territory, operating under the Commonwealth Aboriginal Land Rights Act.
- Priorities of the Central Land Council include: governance and control; youth, law and justice; keeping land rights strong; and the future of remote communities and outstations.
- There is evidently a disconnect between policymakers in Canberra and policymakers like Dr Douglas, working in areas like Central Australia. Dr Douglas asked: how are Canberra-based public servants being held accountable to the many people and communities that their policies affect?



Professor Daryle Rigney

Director, Indigenous Nations and Collaborative Futures Research Hub, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney

Professor Rigney's talk focused on the nation-building activities of the Ngarrindjeri people, which provided yet another example of Indigenous peoples engaging in policymaking outside of government. In response to numerous challenges, the Ngarrindjeri have built their own authority and told their own stories, thus generating a nation-to-nation relationship with the South Australian Government.

Key points:

- The Ngarrindjeri Regional Authority (NRA) has been created as a peak regional organisation. To help in nation building, the NRA has developed the Ngarrindjeri Yarluwar-Ruwe Plan (Sea Country Plan), and has asked for a new relationship between Ngarrindjeri nation and the South Australian Government.
- NRA has also developed cultural models, such as using the concept of Yarnnarumi in risk assessment. This creates a risk management process that takes into account a Ngarrindjeri worldview and involves Ngarrindjeri people.
- Five key challenges faced Ngarrindjeri in the context of the Hindmarsh bridge controversy, including: a lack of effective legislative and policy protection for Indigenous rights; a lack of organisational structure to respond to the state's power; outside experts claiming authority to speak for Ngarrindjeri culture over Ngarrindjeri people; the colonial archive which tells a particular story about the Ngarrindjeri; and a network of actors (government, industry, business etc.) who influence decisions.
- In response, Ngarrindjeri focused on nation-building activities, including: building a regional authority; using alternative protection mechanisms like contract law; refusing to subject themselves to an outside 'authenticity' test; telling Ngarrindjeri's own story through texts like the Yarluwar-Ruwe Plan; and building their own relationships with networks of influential actors.

Day Two – Panels

A number of key themes emerged in Day Two as many of the panel discussions, although each distinct, returned to similar issues. Throughout, there was an emphasis on the importance of relationship building – long-term investment between organisations and people, rather than simply partnership for a particular activity. Power sharing was also highlighted, requiring not only meaningful engagement, but a willingness to support Indigenous self-determination. There was a recognition in these discussions of numerous structural issues inhibiting better relations between government and Indigenous peoples, with conversations touching on the importance of cultural competency, addressing systemic racism, recognising Indigenous diversity and cultural authority, and the significance of truth telling. These panels reinforced the point that rather than cosmetic fixes, significant reforms will be needed to address challenges faced in Indigenous policymaking.

1. Engagement – effective and productive communication and participation



Romlie Mokak – Commissioner, Productivity Commission

Alistair Ferguson – Executive Director, Maranguka

Chris Simpson – Director, Return of Cultural Heritage Project, AIATSIS

Day Two's first panel set the scene for later discussions with a clear outline of what constitutes meaningful engagement, highlighting the need to move away from superficial consultation, and instead building long-term relationships.

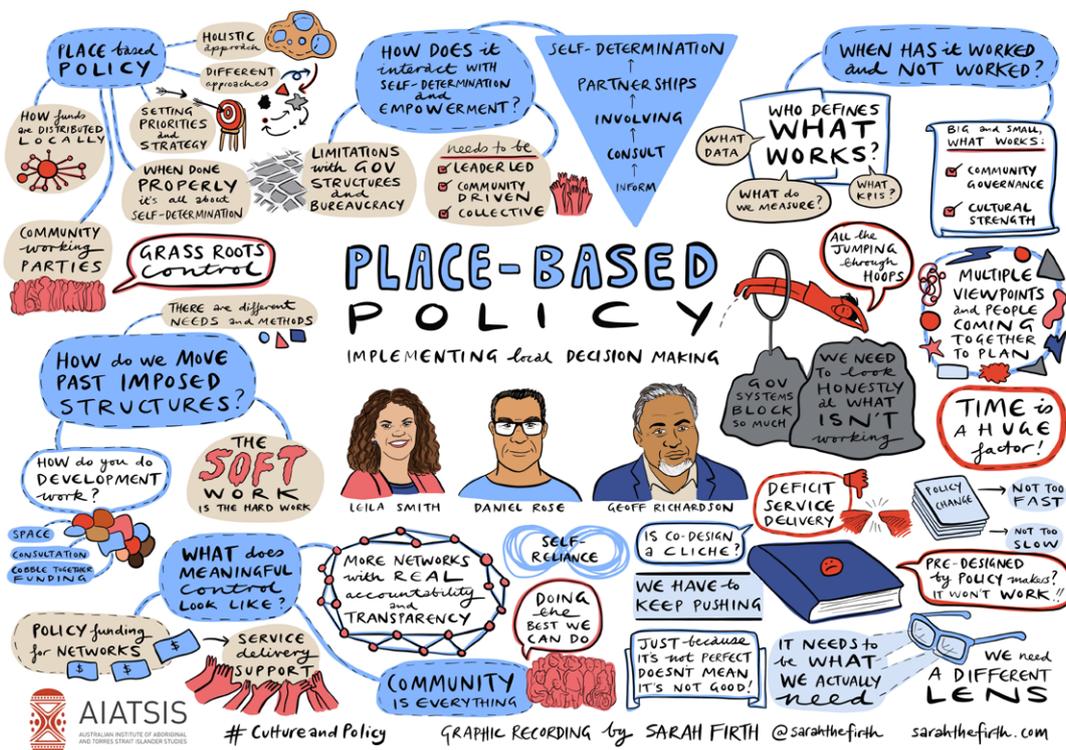
Key points:

- 'Consultation' often carries a bad connotation because it can be pre-ordained, constrained and transactional. Governments have been good at consultation, while also not being truly willing to engage.
- For engagement to be more meaningful, there needs to be a move away from a tick-box approach.
- True engagement requires longevity and ask first principles. It involves the process of 'hurry up and wait' – to match the timelines of partners and be ready for engagement with them. It also involves relationship building with community members (e.g. playing football or painting a house with local community members).
- Co-design goes a step further, and involves the creation of an environment where people can speak freely and candidly, and where community is in the drivers' seat.
- The challenge in building capacity for engagement comes from the constraints of our mindset, including what amount of power we are willing to let go to Aboriginal people. This includes thinking about the meaning of data, issues of implementation and naming and making action on systemic racism.
- Communities can take the lead through strong governance, such as setting protocols for engagement, being more selective about who to engage with, and using evidence to measure the efficacy of programs being implemented.



Shelly Ware presenting.

3. Place-based policy – implementing local decision-making



Leila Smith – Chief Executive Officer, Aurora Education Foundation

Daniel Rose – Chief Executive Officer, Murdi Paaki Services Limited

Geoff Richardson PSM – Executive, First Nations Development Services

The third panel argued that place-based policy should be the epitome of self-determination, as it puts local communities in the driver's seat for determining priorities and interests. Unfortunately, as highlighted in the two previous sessions, there remain significant challenges for the successful realisation of more place-based policy.

Key points:

- Place-based policy is holistic and location-specific; it responds to the needs of a particular, localised community.
- Ultimately place-based policy is the epitome of self-determination because it gives power to those within a particular area to articulate their needs. The regional model of ATSIC came close to self-determination, and many Aboriginal Community Controlled Organisations such as the Murdi Paaki Regional Assembly (MPRA) provide examples of strong place-based work.
- The structure of government engagement often works against successful place-based policy. One problem is that governments have a service delivery, rather than a development, model. This works against long-term investment in particular places to build capacity, and instead focuses on easier-to-measure outcomes related to services. Another issue is that the lengthy timeframes often required to do place-based policy can be used as an excuse to dismiss this approach.
- To improve prospects for future place-based policy, there needs to be strong Indigenous governance, real Indigenous networks of power, and an understanding of the meaning and significance of self-determination on the part of government.

- Truth telling is therefore highly significant. For many Indigenous people, truth telling means healing, but for all Australians it can help resolve some of the legal contradictions involved in the foundation of Australian sovereignty. But the achievement of truth telling is also hampered by our existing structures of power, which must first be changed. That is why it is: Voice, Treaty, Truth – truth can only occur after other changes have been made.
- We need to redefine what activism means. Activism is not necessarily visible; it can occur behind closed doors. Even the act of exhibiting one's identity can be an act of activism because it disrupts the illusion of whiteness as simply a neutral position. It is important to recognise those both inside and outside the system, especially the role played by Indigenous public servants who work within government to advocate reform.



Left to right: Olivia Slater, Aurora Milroy and Shelly Ware.

Appendix A – Nyiyanang wuunggalu! symposium program



Agenda – Day 1

Wednesday 19 February
National Portrait Gallery

Time	Session	Presenter
8:30 - 9:00	Registration	
9:00 - 9:15	Welcome to Country Introduction	Jude Barlow Casey Millward
9:15 - 10:15	Keynote address	Craig Ritchie
10:15 - 11:05	Keynote address	Hoani Jeremy Lambert
11:05 - 11:35	Morning Tea	
11:35 - 12:25	Keynote address	Professor Colleen Hayward AM
12:25 - 13:15	Keynote address	Kevin Smith
13:15 - 14:20	Lunch	
14:20 - 15:10	Keynote address	Dr Josie Douglas
15:10 - 15:40	Afternoon tea	
15:40 - 16:30	Keynote address	Professor Daryle Rigney
16:30 - 16:50	Summary	Craig Ritchie
17:00 - 18:30	Cocktail reception	



Agenda – Day 2

Thursday 20 February
National Portrait Gallery

Time	Session	Presenter
8:30 - 9:00	Registration	
9:00 - 9:40	Introduction	Shelley Ware Craig Ritchie
9:40 - 10:55	Engagement – effective & productive communication and participation	Romlie Mokak Alistair Ferguson Christopher Simpson
10:55 - 11:25	Morning tea	
11:25 - 12:40	Co-design – approaches to meaningful partnerships	Professor Peter Radoll Gail Beck OAM Ethan Williams
12:40 - 13:40	Lunch	
13:40 - 14:55	Place-based policy – implementing local decision making	Leila Smith Daniel Rose Geoff Richardson PSM
14:55 - 15:25	Afternoon tea	
15:25 - 16:40	Emerging leaders – policy for the future	Olivia Slater Duane Fraser Dr Kris Wilson Aurora Milroy
16:40 - 17:00	Summary	Shelley Ware





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**First published in 2020 by
Indigenous Culture and Policy, AIATSIS
Australian Institute of Aboriginal
and Torres Strait Islander Studies**

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