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# RESEARCH DISCUSSION PAPER

**Not fit for modern Australian society:**  
Aboriginal and Torres Strait Islander people and  
the new arrangements for the administration of  
Indigenous affairs

**Kerry Arabena**  
Australian Institute of Aboriginal  
and Torres Strait Islander Studies  
Canberra

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AN AIATSIS RESEARCH DISCUSSION PAPER

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**Arabena, Kerry**

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Kerry Arabena is a Visiting Research Fellow in the Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).

## **GLOSSARY**

AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
APS	Australian Public Service
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSIS	Aboriginal and Torres Strait Islander Service
CAAMA	Central Australian Aboriginal Media Association
COAG	Council of Australian Governments
DIMIA	Department of Immigration, Multiculturalism and Indigenous Affairs
DCITA	Department of Communication, Information Technology and the Arts
ICCs	Indigenous Coordinating Centres
NIC	National Indigenous Council
OIPC	Office of Indigenous Policy Coordination
RPAs	Regional Partnership Agreements
SRAs	Shared Responsibility Agreements

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## INTRODUCTION

In the discussions about the Shared Responsibility Agreement (SRA) negotiated with the Mulan community, the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma stated that:

It would be unacceptable for Indigenous people to be denied basic citizenship services that all Australians take for granted...any proposals must comply fully with the *Racial Discrimination Act* and the principle of non-discrimination more generally. Proposals which fail to do so should be rejected outright as morally repugnant and not fit for modern Australian society.

Jackie Huggins made an argument to the Senate that there is a need to reflect on, and analyse the new approaches to Indigenous affairs, and our responses to them. Jackie also suggests that:

Change is fine – as long as it makes sense and isn't change for the sake of it or even worse change for purely political reasons that bear little relevance to the daily lives of my people.<sup>1</sup>

The complexities of the new arrangements are difficult to communicate in their entirety, however, we need to consider the impact of the new arrangements because, as the then ATSIC Commissioner Alison Anderson has forewarned us all:

The potentially destructive impact of the move away from self-determination to mainstreaming will be seen in the immediate future. Our concern is that once again we will be experimented on and that, in another five to ten years time, we will be back to discuss what went wrong.<sup>2</sup>

This paper then, is one Indigenous woman's reflection and analysis of the first twelve months in the new arrangements in the administration of Indigenous affairs.

A descendant of the Merriam people in the Torres Strait, I have lived and worked in rural and remote Australia for a large part of my adult life. As the manager and worker in a number of Aboriginal and Torres Strait Islander and non-government organisations including the Pintubi Homelands Health Service, situated 500 kilometres west of Alice Springs and the Apunipima Cape York Health Council, based in Cairns, I developed an expertise in social health, particularly sexual and reproductive health.

An interest in this field allowed me to make contributions in Australia and the Asia Pacific region in cross- jurisdictional areas such as gender issues, social justice, human rights, violence, access and equity, service provision, harm minimisation and citizenship rights and responsibilities. I am keenly interested in the replication and evolution of societies, particularly indigenous societies; and the impact of the beliefs, values and attitudes of dominant groups on the capacities and aspirations of people who make up the minority.

In 2004 I applied for a position in the administration arm of the Aboriginal and Torres Strait Islander Commission (ATSIC) then the Aboriginal and Torres Strait Islander Services (ATSIS), which was created on 1 July 2004. With the abolition of these

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<sup>1</sup> Statement by Jackie Huggins, Co-Chair of Reconciliation Australia, to Senate Committee on the Administration of Indigenous Affairs, 18 February 2005, p. 1.

<sup>2</sup> Commissioner Alison Anderson, *Proof Committee Hansard*, Senate Committee on the Administration of Indigenous Affairs, Alice Springs, 20 July 2004, p. 48.

agencies, I accepted a position as the Director of the Regional Governance Unit in the new Office of Indigenous Policy Coordination (OIPC) situated in the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). During the months that ensued, I found myself getting physically ill every morning I went into the office in the Lovett Tower, Woden, in Canberra. This feeling would abate when travelling in communities and over the weekends, only to recur with full force upon my return. In the lifts going up to the fifth floor every morning, I found this to be the case with many other Aboriginal, Torres Strait and non-Indigenous OIPC staff members.

Needless to say, I did not work long in the Australian Public Service; I had the opportunity to move to the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) to undertake a short term Visiting Research Fellowship reviewing the new arrangements in the administration of Indigenous Affairs. This has been the first time in my life I have had the opportunity to read, think, write and reflect. This paper was developed during this time, primarily to understand my adverse physical reaction to working at OIPC and to provide an analysis about the new arrangements and some strategies for consideration by the new Indigenous leadership.

I will argue that heritage, structures and constructs of Indigeneity plus the responses of strategic individuals will shape citizenship considerations and the scope for self-determination for Aboriginal peoples in decades to come.

This paper is in three sections:

**Section A** outlines the policy evolution and background to the new arrangements in the administration of Indigenous affairs and provides an overview of the arguments expressed by Aboriginal leaders and their inclusion in the new policy framework. In this section I attempt to answer the questions: What are the new arrangements in Indigenous affairs? Are the new arrangements really new? What is the Government's plan?

**Section B** details the new arrangements and provides an analysis of the primary and secondary client group of the new arrangements, as well as issues pertaining to Indigenous people's representation and strategic leadership; and a review of emerging inequities by using case studies. In this section I attempt to answer the question: How are the new arrangements effected through policy and actions of Government?

**Section C** explains the potential impact of the new arrangements on Aboriginal and Torres Strait Islander peoples and a way forward. In this section I try to articulate what these arrangements mean for Aboriginal and Torres Strait Islander peoples and provide some strategies to consider for positioning ourselves into the future. I consider the questions: What might the impact of these new arrangements be on Aboriginal and Torres Strait Islander peoples' aspirations for self-determination and how can we respond?

In order to arrive at my conclusions, I have reviewed historical records, articles, policy platforms, ministerial speeches, and government official addresses; transcripts from the Senate Select Committee Inquiry into the Administration of Indigenous Affairs; Council of Australian Government's (COAG) information; and summaries of the Shared Responsibility Agreements (SRAs) that have been made between governments and Indigenous communities. I also interviewed ATSIC representatives, bureaucrats and community members about their perceptions of the new arrangements.

There are many responses that Indigenous people can have to the new arrangements on Indigenous affairs. However, the abolition of ATSIC and the non-engagement by Government to recognise any national Indigenous leadership, coupled with the

implementation of the ‘practical’ reconciliation agenda and a focus on ‘service delivery’ as the method to overcome ‘disadvantage’, may provide Indigenous peoples with opportunities to overcome the exclusion from the prosperity of this, our country.

To take advantage of these opportunities, we must resist being defined by governments as ‘disadvantaged citizens’ and co-opted into over-simplistic debates that mask the structural and systematic barriers that have contributed to the situation in which we now find ourselves. A failure to recognise and embrace the cultural characteristics and the cultural capital of Aboriginal and Torres Strait Islander people is one of the major barriers that exclude us.

By re-embracing our notions of Indigenous citizenship, reviewing our governance practice, assessing our agreement making, creating spaces to practice sovereignty, asserting our Indigenous knowledge and practices, and supporting our land rights and responsibilities; Aboriginal and Torres Strait Islander people will be able to assert our rights for the same opportunities without being made the same.

## **Section A: Policy evolution and background to the new arrangements in the administration of Indigenous affairs.**

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On 15 April 2004, the Australian Government announced that it was introducing significant changes to the delivery of services to Indigenous communities. It announced that the Aboriginal and Torres Strait Islander Commission (ATSIC) and its service delivery arm, Aboriginal and Torres Strait Islander Services (ATSIS) would be abolished. Responsibility for the delivery of all Indigenous specific programs would be distributed across the relevant government departments.

The Government also announced that all departments would be required to coordinate their service delivery to Indigenous peoples through a whole of government approach, with an emphasis on flexibility and regional service delivery.

The new approach involves setting priorities at a regional level, and negotiating agreements with Indigenous families and communities at the local level. Central to this process is the concept of ‘mutual obligation’ or ‘reciprocity’ for service delivery.

In the information booklet, *New arrangements in Indigenous Affairs*, Regional Partnership Agreements (RPAs) are described as a mechanism to:

Guide a coherent government intervention strategy across a region, eliminating overlaps or gaps and promoting coordination to meet identified priorities for the region. Where States and Territories have agreed, RPAs may also incorporate State and Territory investment, reflecting the ‘National Framework of Principles for Government Service Delivery to Indigenous Australians’ agreed by the Council of Australian Governments (COAG) in June 2004.<sup>3</sup>

In the same booklet, Shared Responsibility Agreements (SRAs) are defined as more detailed documents operating at a family or community level:

SRAs will set out clearly what the family, community and government is responsible for contributing to a particular activity, what outcomes are to be achieved, and the agreed milestones to measure success. Under the new

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<sup>3</sup> Office of Indigenous Policy Coordination, *New Arrangements in Indigenous Affairs*, August 2004, p.17.

approach, groups will need to offer commitments and undertake changes that benefit the community in return for government funding.<sup>4</sup>

In the context of the whole of government approach, these changes have become known as the 'new arrangements in the administration of Indigenous affairs'. The Government began to implement these changes from 1 July 2004, however, it has been noted in the Aboriginal and Torres Strait Islander Social Justice Commissioner's Report 2004 that it will be some time before the new arrangements are in place and fully operational.

## **1. An overview of the new structures and approaches**

This overview reviews the events leading up to the introduction of the new arrangements for the administration of Indigenous affairs, and provides an outline of the new structures and approaches, grouped into six main components. I also provide some points of consideration in the implementation of these arrangements for both governments and Indigenous peoples.

### **Background to the new arrangements**

The growing momentum over the past two years to change the ways governments interact with and deliver services to Aboriginal and Torres Strait Islander people has been driven by three interrelated developments:

- A focus and scrutiny on the role and performance of ATSIC;
- Progress in implementing the commitments of Council of Australian Governments (COAG), particularly through the whole of government community trials (COAG Trials); and
- An emphasis on change in the Australian Public Service (APS) to reinvigorate public administration and improved service delivery.<sup>5</sup>

#### *The focus on ATSIC*

In 2003 much of the focus on Indigenous issues centred on the performance of ATSIC and proposals for reforming its structures and function. An ATSIC Review Team delivered a midyear report '*In the Hands of the Regions – a new ATSIC*' in which they concluded that whilst there was widespread support for the continuation of a national representative Indigenous body:

- ATSIC was in need of structural change;
- There needed to be an improved connection between the regional and national policy formulation; and
- A significant challenge was identified for Government in the delivery of services to Indigenous peoples stating that mainstream organisations and their Ministers had avoided responsibilities for their own shortcomings in making a difference for Indigenous peoples.<sup>6</sup>

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<sup>4</sup> OIPC, see note 3 above, p.18.

<sup>5</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner, Social Justice Report 2004, HREOC, Sydney 2005, chapter 3.

<sup>6</sup> Hannaford, J., Collins, B., and Huggins, J., *Review of the Aboriginal and Torres Strait Islander Commission Public Discussion Paper*, June 2003, p.15.



The Review report advocated ‘regionalism’ and canvassed a number of options for achieving greater emphasis on regional need and participation of people at the regional level. The findings in this Review concurred with those made in the 2001 *Report on Indigenous Funding* by the Commonwealth Grants Commission: that the federal system of Government obscures the responsibilities of different levels of government; and has led to cost shifting between government departments as well as across different levels of government.<sup>7</sup> This assertion, combined with a lack of accessibility of mainstream government programs for Indigenous peoples, placed too much burden on Indigenous agencies such as ATSIC.

To address this challenge, the Commonwealth and State/Territory Governments continued to implement the COAG commitments made in 2001 to overcome Indigenous disadvantage resulting in eight whole-of-government community trial sites across the country.

### *COAG Commitments and COAG Trials*

The philosophy underpinning the COAG Trials is ‘Shared Responsibility - Shared Future’, acknowledging that the wellbeing of communities is shared by individuals, families, communities and government and that all parties must work together to build their capacity to support a different approach to the economic, social and cultural development of Aboriginal and Torres Strait Islander peoples.<sup>8</sup> The goals of the COAG trials are to improve the coordination and flexibility of programs and service delivery to better meet the needs and priorities of local communities.

There are eight COAG Trials across the country, each with a lead Australian Government agency, which has responsibility for coordinating the Government initiatives in the respective trial sites:

- Cape York, QLD (lead agency – Department of Employment and Workplace Relations)
- Murdi Paaki, NSW (Department of Education Science and Training)
- ACT (Department of Environment and Heritage)
- Shepparton, VIC (Department of Employment and Workplace Relations)
- Northern Tasmania (Department of Immigration and Multicultural and Indigenous Affairs)
- AP Lands, SA (Department of Health and Ageing)
- Wadeye, NT (Department of Family and Community Services)
- East Kimberly, WA (Department of Transport and Regional Services)

At its meeting of 25 June 2004, COAG endorsed a ‘National Framework of Principles for Government Service Delivery to Indigenous Australians’. This framework confirms, at the intergovernmental level, the principles that underpin the new administrative arrangements at the federal level (and were further developed through the COAG trials). The principles are divided into six thematic groups:

- Sharing responsibility;
- Harnessing the Mainstream;
- Streamlining service delivery;

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<sup>7</sup> Commonwealth Grants Commission, *Report on Indigenous Funding*, Canberra, 2001, pp. xviii-xix.

<sup>8</sup> Indigenous Communities Coordination Taskforce, *Imagine what could happen if we worked together: Shared Responsibility and a Whole of Government Approach*, Conference Paper, Native Title Conference, Alice Springs, June 2003.

- Establishing transparency and accountability;
- Developing a learning framework; and
- Focusing on agreed priority issues.<sup>9</sup>

The Social Justice Commissioner suggests that agreement to these principles indicates that there will be increased activity to coordinate Commonwealth, State and Territory programs and services over time.

### *Change in the Australian Public Service*

The emphasis on improving the performance of the public sector through the adoption of more holistic processes has variously been called a 'whole of government' approach, 'joined up' government, or 'connecting government'. The Australian Public Service is trialling the integration of policy development, service delivery, engagement with communities, and a focus on achieving outcomes.

The *Connecting Government* report was launched by the Secretary of the Department of Prime Minister and Cabinet less than a week after the announcement of the abolition of ATSIC and the introduction of the new arrangements in Indigenous Affairs. Dr. Shergold explained that:

The vision is of a whole of government approach which can inspire innovative national approaches to the delivery of services to Indigenous Australians, but which are responsive to the distinctive needs of particular communities. It requires committed implementation. The approach will not overcome the legacy of disadvantage overnight. Indigenous issues are far too complex for that. But it does have the potential to bring about generational change.<sup>10</sup>

The Australian Public Service Commission is providing training to Government staff, particularly those in ICCs, on the principles of the whole of government approach. This training has been rolled out through 2005 in an effort to ensure that staff are clear about the intention of the new arrangements.

### **The new structures and approaches**

Details about the new arrangements in Indigenous affairs have been developed within the Government and progressively announced since April 2004. The Social Justice Commissioner suggested that the elements of the new structures and approaches consist of initiatives involving the 'redesign of the machinery of government'.

### *The abolition of ATSIC and ATSI*

*The Aboriginal and Torres Strait Islander Commission Act* was amended by the Parliament resulting in the abolition of ATSIC and ATSI on 30 June 2005. However the ATSIC Board of Commissioners was abolished on the date that the legislation was changed, with the Regional Councils continuing until 30 June 2005. The Office of Indigenous Policy Coordination was established on 1 July 2004 while the remaining Commission support functions of ATSI continued for the 2004-05 financial year.

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<sup>9</sup> Council of Australian Governments, *Communiqué*, Attachment B, 25 June 2004.

<sup>10</sup> Shergold, P (Secretary, Department of the Prime Minister and Cabinet) *Connecting Government – Whole of Government responses to Australia's priority challenges*, Speech, Canberra, 20 April 2004, p. 4.

### *The transfer of Indigenous specific programs*

The programs administered by ATSI/ATSIS were transferred to mainstream departments with funding being quarantined for Indigenous specific programs. The Government noted on 30 June 2004:

More than \$1 billion of former ATSI/ATSIS programs have been transferred to mainstream Australian Government agencies and some 1300 staff commence in their new departments as of tomorrow.<sup>11</sup>

The emphasis on mainstreaming is to better coordinate programs and services within and between agencies, and to initiate a flexible approach to resource allocation on Indigenous issues. A single budget submission on Indigenous specific spending is intended to promote the Government's involvement in developing flexible solutions to address the needs and priorities in Indigenous communities.

### *Leadership and strategic direction*

The new arrangements are driven from the top down by the Ministerial Taskforce on Indigenous affairs, which consists of the ten Ministers with responsibility for Indigenous specific programs and is chaired by the Minister for Immigration and Multicultural and Indigenous Affairs. The Secretaries' Group on Indigenous affairs includes the heads of departments administering the Government's Indigenous programs and is chaired by the Secretary of the Department of Prime Minister and Cabinet.

A National Indigenous Council (NIC) has been appointed by the Government to provide advice on Indigenous issues and strategies. The NIC's role is to provide advice on strategies to improve outcomes for Indigenous people, including improved program performance and service delivery in the whole of government environment. The members of the NIC have been chosen for their expertise in particular policy areas and do not represent specific regions, organisations or agencies.<sup>12</sup>

### *Coordination of government activity*

From 1 July 2004, the ATSI Regional Offices were re-badged as Australian Government Indigenous Coordination Centres. The majority of staff were transferred to mainstream departments while the manager and one or two other staff members were allocated to OIPC.

The OIPC is the national level coordinator while each ICC is intended to be the community and regional level coordinator of all Australian Government activity. OIPC is responsible for coordinating the whole of government policy, program and service delivery across the Australian Government; developing new ways of engaging with Indigenous people at the regional and local level; brokering relationships with other levels of government and the private sector and reporting on the performance of government; managing the ICC network and providing advice to the Minister and Government on Indigenous issues.<sup>13</sup> OIPC also has a state office in each State and Territory to coordinate activities with state governments. ICCs will coordinate the

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<sup>11</sup> Vanstone, A (Minister for Immigration and Multicultural and Indigenous Affairs) Australian Government Changes to Indigenous affairs services commences tomorrow, press release, 30 June 2004, p. 1.

<sup>12</sup> OIPC, *New Arrangements in Indigenous Affairs*, op. cit., pp. 11-13.

<sup>13</sup> OIPC, see note 12, pp. 15-16.

service delivery of all departments at the regional level and are intended to provide Indigenous people and communities with a single point of contact with Australian Government departments.

#### *Engagement with Indigenous peoples*

The Government has stated that ‘better ways of representing Indigenous interests at the local level are fundamental to the new arrangements’.<sup>14</sup> The Government has also indicated that they will work collaboratively with other structures to ensure adequate communication of Indigenous views and concerns and that services are delivered in accordance with local priorities and preferred delivery methods.<sup>15</sup> Regional Structures will negotiate RPAs and individuals, families, clans and communities will negotiate SRAs to:

Set out clearly what the family, community and government is responsible for contributing to a particular activity, what outcomes are to be achieved and the agreed milestones to measure progress.<sup>16</sup>

#### *Working collaboratively with the State and Territory governments*

The Government acknowledges that to achieve a true whole of government approach it needs to work with State and Territories and local government. The COAG will remain the main strategic forum for advancing such collaboration. The State and Territory governments will sign off with the Commonwealth Government on bi-lateral agreements to articulate the roles and responsibilities of each level of government.

#### **Points for consideration in the implementation of the new arrangements**

The Social Justice Commissioner acknowledges that the new whole-of-government arrangements contain important innovations for the delivery of programs and services and the processes through which the Australian government develops policy.

These innovations have the potential to produce a real reduction in administrative barriers to the adoption of holistic, innovative approaches to addressing community need; improve government coordination by bringing together departments responsible for the delivery of mainstream and Indigenous specific programs in regional locations through the ICCs and providing national coordination through OIPC; address under-performance and inaccessibility of mainstream programs for Indigenous people; and provide workable solutions to the century old problem of delivering services in a federal system.<sup>17</sup>

However, he also states that:

The new arrangements have the potential to impact significantly on the enjoyment of rights by either leading to improved performance and outcomes by government, as well as improved engagement with Indigenous peoples, or by undermining the enjoyment of rights by Indigenous peoples. This is possible if Indigenous peoples are not able to effectively participate

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<sup>14</sup> OIPC, see note 12, p. 17.

<sup>15</sup> OIPC, see note 12, p. 17.

<sup>16</sup> OIPC, see note 12, p. 17.

<sup>17</sup> Social Justice Commissioner Report, see note 5 above, pp. 15-22.

in the new arrangements by having a voice at the national level, the ability to influence developments on a regional basis through the operation of culturally legitimate representative structures, or if local engagement is selective or based on coercive measures.<sup>18</sup>

The Government focus on implementing whole of government approaches that risk impacting on the rights of Indigenous peoples will be exacerbated while Indigenous peoples feel they do not have access to information, have not been effectively consulted and cannot have meaningful input to their destinies. In his plenary address to the 2005 Native Title Conference, the Social Justice Commissioner acknowledged the risks involved in the present situation where the dismantling of government and Indigenous structures and policies is occurring at an unprecedented rate:

There is a risk that what has been learnt (both the successes and failures) over the past thirty years could be lost and that the rights we have fought hard for, and have gained, will continue to be eroded as the enthusiasm for the transformation takes hold.<sup>19</sup>

The mainstreaming of program delivery under these new arrangements has also seen the silencing of independent voices, most obviously ATSIC. In future, it is likely that there will be an increasing distinction between ‘service delivery’ and ‘advocacy’ agencies and a void of any representative role for Indigenous peoples with which to engage with government and each other.

Also, it appears that there is an increasing separation between the importance placed in the ‘cultural capital’ that Indigenous peoples possess and recognition of the capacity for Indigenous people to co-exist in modern Australian society. This alludes to an on-going struggle for Indigenous peoples: being a distinct people whose heritage has provided a uniqueness that makes us different and the requirement to participate in structures and societies not of our own making. The Senate Select Committee on the Administration of Indigenous Affairs recognised that:

It is not possible for Australia to recognise and respect the rights and unique contributions of Indigenous people and their society, while at the same time ensuring that Indigenous people can participate in the mainstream of Australian economic and social life.<sup>20</sup>

This sentiment is also evident in the development of the 2004 COAG Principles. Senator Aden Ridgeway reflected that the new arrangements have all Australian governments committing to:

Achieve better outcomes for Indigenous Australians, improving the delivery of services and building greater opportunities and helping Indigenous families and individuals to become self sufficient.<sup>21</sup>

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<sup>18</sup> Social Justice Commissioner, see note 5 above, p. 46.

<sup>19</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner, Plenary Address, Native Title Conference, Coffs Harbour, 3 June 2005.

<sup>20</sup> Select Committee on the Administration of Indigenous Affairs, *After ATSIC – Life in the Mainstream?*, Parliament House, Canberra, March 2005, p. xvi.

<sup>21</sup> Ridgeway, A., Addressing the economic exclusion of Indigenous Australians through native title, Mabo Lecture, Native Title Conference, Coffs Harbour, 3 June 2005, p. 5.

The principles that underpin the June 2004 COAG National Framework indicate an intention to address problems within the federal system. However these principles supersede those made by COAG in 1992 that were known as the *National Commitment to improved outcomes in the delivery of programs and services for Aboriginal peoples and Torres Strait Islanders*, which included:

- Empowerment, self-determination and self-management by Aboriginal peoples and Torres Strait Islanders;
- Economic independence and equity being achieved in a manner consistent with Aboriginal and Torres Strait Islander social and cultural values; and
- The need to negotiate with and maximise the participation of Aboriginal peoples and Torres Strait Islanders through their representative bodies...and community based organisations in the formulation of policies and programs that affect them.<sup>22</sup>

Ridgeway concluded that the latest COAG commitment is narrower in focus and less inclusive of Indigenous concerns.

The classification of Indigenous peoples as simply ‘disadvantaged’ does not address the real structural and systematic barriers that have contributed to the situation we are now in. We are all being co-opted into over simplified debates about our needs which is based on language benign in appearance, but loaded in meaning.<sup>23</sup>

The Government purports these arrangements to be of benefit to those individuals and families predominantly living in rural and remote communities. However many of the programs have been dissolved into large Commonwealth agencies whose primary objectives are broader and influenced by the cultural values of those mainstream organisations.

Aboriginal and Torres Strait Islander people are being made ‘fit for modern Australian society’ by overcoming our status as ‘disadvantaged citizens’ to take our rightful place in the social, economic and cultural life of our country. This assertion is framed in a way that allows us to simply ‘overcome our disadvantage’. These new arrangements are not about forging relationships with Indigenous peoples, but instead about resisting and minimising the recognition that is provided to our cultures, our history, our capacities to contribute and our on-going connection with land.

This is not a precedent in the implementation of Indigenous affairs policy; there is a blue print for the new arrangements in the administration of Indigenous affairs.

## **2. Are the ‘New Arrangements’ really new?**

This part contains an analysis as to whether the new arrangements are really new and provides an explanation of the policy initiatives that have at their basis similar citizenship considerations for Aboriginal and Torres Strait Islander people.

A ‘New Deal’ for Aboriginal people was announced by John McEwen, the Minister for the Interior in 1939 as the Commonwealth was intent on:

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<sup>22</sup> Ridgeway, A. see note 21 above, p. 5.

<sup>23</sup> Ridgeway, A. see note 21 above, p. 5.

Raising their status so as to entitle them by right, and by qualification to the ordinary rights of citizenship, and enable them and help them to share with us the opportunities that are available in their own native land.<sup>24</sup>

The new deal aimed to convert Aboriginal people from their traditional, nomadic inclinations to a settled life. McEwen stated that Aboriginal people had to be shown that:

In any settled life there must be laws and property rights and penalties for those who break them' and that there were rewards for those, who by training adapt themselves to a settled life.<sup>25</sup>

McEwen's offer was conditional; full citizenship had to be learned by undergoing training and education in an institutional setting and given to those who satisfied the criterion of adopting a 'White Australian' lifestyle.<sup>26</sup>

One of the architects of this new deal, Adolphus Peter Elkin, professor of anthropology and ordained Anglican priest, explained that the emphasis should shift to the 'protection, education, health and better government' of Aboriginal people.<sup>27</sup> Elkin saw limited opportunities for Aboriginal people in white Australian society but argued that:

Aboriginal people who had become 'civilised' were those who in varying degrees had forsaken their native view of life and [had] also in varying degrees become involved in our economic system and in a few cases... to some extent adopted our view of life.<sup>28</sup>

Aboriginal people would overcome their shortcomings by removal from reserves to townships, with the aim that they would live in the community like other Australians:

The Aborigines must desire, understand and fit themselves for citizenship, whether they want to realise it dispersed in the general community or living in their own separate communities.<sup>29</sup>

A separate community in this instance was referred to as a transition into the wider community – being separate was an impediment to citizenship.

Citizenship was considered a lifestyle that incorporated appropriate attitudes towards work, property (including furniture), housing and rent, family (eating together), saving money, and the acceptance of colonial legal structures. Citizenship encouraged individuality and individual responsibility – the individual was more important than the group and group relationships. This notion of citizenship was developed from an idea

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<sup>24</sup> McEwen, J. *Commonwealth Government's Policy with Respect to Aborigines*, Canberra, 1939, pp. 1-6 in Gray, G., 'From Nomadism to Citizenship: A P Elkin and Aboriginal Advancement', in Peterson, N. and Sanders, W. (eds.) *Citizenship and Indigenous Australians: Changing Conceptions and Possibilities*, Cambridge University Press, Melbourne, 1998, p. 56.

<sup>25</sup> McEwen, see note 24 above, p. 56.

<sup>26</sup> McEwen, see note 24 above, p. 56.

<sup>27</sup> Under Elkin's guidance in the mid 1930s, the National Missions Council issued a pamphlet, 'A National Policy for the Protection, Education, Health and Better Government for the Aborigines', which argued for a positive policy and advocated 'oversight and control' of Aboriginal people, stating that any scheme for their uplifting and provision had to be made to train them to be capable, industrious and self reliant people'. Gray, see note 24 above, p. 61.

<sup>28</sup> Elkin, in Gray, see note 24 above, pp. 59-60.

<sup>29</sup> Elkin, in Gray, see note 24 above, p. 66.

that Aboriginal culture was in opposition to civilisation and that more effort was required from Aboriginal people to become civilised; a grounds to demand more from Indigenous people than of non- Indigenous people.<sup>30</sup>

The 'New Deal' mapped the benefits of a whole of government approach; convergences between State and Territory governments with the Commonwealth; and methods of encouraging Indigenous people to participate in the citizenship of Australia through institutionalisation to learn and focused on social, economic and cultural concerns. Indigenous people were given the opportunity to develop skills that would permit them to enter and contribute to the wider Australian society by leaving their remote area communities and demonstrating their 'fitness' for citizenship. Gray argues that white people had only to abandon their colour prejudice, but white society did not need to change; while Aboriginal people who were enjoined to participate in white society had to abandon their Aboriginality before they could be admitted to society.<sup>31</sup>

The implementation of McEwen's 'New Deal' was delayed by a 1944 referendum to transfer powers over Aboriginal affairs to the Commonwealth, which failed, and the second world war. It was not until Paul Hasluck was appointed the Minister for Territories in May 1951 that Aboriginal policy was again the subject of intense scrutiny. Hasluck introduced major reforms for the Northern Territory and developed a policy of assimilation which was essentially adopted by all the states.

In 1954, Elkin anticipated that:

With mutual behaviour more and more based on understanding and goodwill there would be a time, not so far ahead, when the Aborigines, full-bloods and mixed bloods, will share proudly with us all an Australia which they have helped to enrich.<sup>32</sup>

And on 15 April 2004, two to three generations on, Peter Shergold announced the 'new arrangements in Indigenous affairs' so that:

The Indigenous people of this country [can] look to their full enjoyment of the benefits and the bounty that Australia brings to all of its citizens.<sup>33</sup>

The 'New Deal' has synergies with what it is that Indigenous people should desire and achieve under the 'New Arrangements'. The current arrangements have a premise that:

Indigenous Australians, wherever they live, should have the same opportunities as other Australians to make informed choices about their lives, to realise their full potential in whatever they choose to do and to take responsibility for managing their own affairs.<sup>34</sup>

Yet, the focus is on the more limited concept of improved service delivery under a 'whole-of-government' approach.

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<sup>30</sup> Elkin in Peterson and Saunders (eds.), see note 24 above, p. 67.

<sup>31</sup> Peterson and Saunders (eds.), see note 24 above, p. 67.

<sup>32</sup> Peterson and Saunders (eds.), see note 24 above, p 67.

<sup>33</sup> Howard, J (Prime Minister), transcript of Australia Day Flag Raising ceremony, Commonwealth Park, Canberra, 26 January 2005.

<sup>34</sup> Liberal and National Parties, *Indigenous Australians – Opportunity and Responsibility*, 2004 election policy document, p. 2.



The Minister for Immigration, Multicultural and Indigenous Affairs announced that the new arrangements are:

Based on all of us accepting responsibility. We all need to do better – the Australian Commonwealth, State and Territory Governments and Indigenous people themselves.<sup>35</sup>

The Commonwealth will maintain its practical approach to reconciliation, focusing on education and employment with an emphasis on outcomes to overcome Indigenous people's disadvantage and allow us to contribute to Australian society. Senator Amanda Vanstone, in an address to the National Press Club said that:

They [Indigenous people] haven't been shown the respect of being given the opportunity to identify their problems, to have a hand in shaping their solutions nor making a contribution to the outcomes – to chart their own way forward.<sup>36</sup>

Senator Vanstone also explained that:

We need to look past the days of dependence, to a future where individuals can be independent through work and giving back to the community that had previously supported them. This independence results in increased social contact that delivers: job satisfaction; self esteem; the chance of advancement; of knowing you're setting a good example to your kids; and, of course, there's the longer term tangible of having some superannuation.<sup>37</sup>

This statement about citizenship, like the one in 1939, identifies the new parameters of a lifestyle that incorporates appropriate attitudes toward citizenship; and by implementing policy that constructs this ideal as our citizenship aspiration; we Indigenous people will fulfil our requirements to be fit citizens for modern Australian society.

The new arrangements are not really new – they echo sentiments that have been expressed for at least three generations by those non-Indigenous people who have shaped government policy.

In this new policy framework I have identified an expectation from government that all Indigenous people will be able to operate in an ideology encapsulating respectability and good citizenship. We will fit in modern Australian society through significant behavioural self censoring, through managed change and by restructuring our world.

### **3. The Plan: Making the Transition from 'Dependence' to 'Independence'**

This part contains a synopsis of the contribution that Noel Pearson, has made to the evolving debate on Indigenous affairs and how his contentions for making a transition from dependence to independence have been incorporated into the new arrangements. Also included in this part is an overview of the role of education in advancing young Aboriginal and Torres Strait Islander people to full citizenship; and the development of categories of competence that forms part of the trajectory for people living in remote communities to achieve a capacity to participate in the modern Australian society.

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<sup>35</sup> Vanstone, A., New Service Delivery Arrangements for Indigenous Affairs, Media Statement, 15 April 2004.

<sup>36</sup> Vanstone, A., Address to the National Press Club, 23 February 2005, transcript, p. 2.

<sup>37</sup> Vanstone, A., Passive Welfare – Killing them softly? Speech, Center of Full Employment and Equity, University of Newcastle, 21 July 2003, p. 3.

## The influence of Noel Pearson

Noel Pearson, who referred to the current Australian Government as ‘racist scum’ a few years ago, is now the most quoted Aboriginal person in Australia and the architect of welfare reform for people living in modern Australian society. Noel asserts that the right to self-determination is ultimately the right to take responsibility and that we must struggle to restore the traditional values of responsibility through reciprocation and by embracing mutual obligation.

Noel has developed these assertions from his lived experience in Cape York in Queensland, where he noted that the Aboriginal communities are not a successful society, and attributes the social deterioration of his society over the past forty years to the impact of ‘passive welfare’. Noel believes that it is passive welfare, not the legacy of colonisation that has manipulated and corrupted Aboriginal values and relationships.

Passive welfare is an irrational, gammon, economic relationship where people get something for doing nothing; as well as being a method of governance in which a superior power (government) has all of the rights and responsibilities to (i) make decisions and (ii) take actions on behalf of a powerless people.<sup>38</sup>

Pearson also states that welfare is a mentality that accepts the principles of this irrational economic relationship and he concludes that:

The mentality is internalised as perpetuated by recipients who see themselves as victimised or incapable and in need of assistance without reciprocation; [indeed] it is their right to have assistance without reciprocation.<sup>39</sup>

Pearson believes that passive welfare has infiltrated modern Aboriginal society in Cape York, becoming part of the culture, mentality and ideology that continually corrupts the social relationships and values that were inherent in their highly sophisticated systems of sharing and obligation. For this reason, Pearson has asserted that:

We do not have a right to passive welfare – indeed; we can no longer accept it. We have a right to a real economy; we have a right to build a real economy.<sup>40</sup>

In order to rectify the problems associated with passive welfare, Noel has made a number of arguments that have been adopted by the Australian Government in the establishment of the new arrangements and the frameworks in which they operate. I focus here on four contentions put by Pearson in his document *The Right to Take Responsibility*.

**Contention One:** The most significant question for our people is not in fact the reconciliation process, at least as far as that process is currently conceived. It is the reshaping of the economy and our place in the new economy.

The reconciliation movement in Australia developed under the guidance of the Council for Aboriginal Reconciliation, which was established in 1991 with a task to:

Improve the relationships between Aboriginal and Torres Strait Islander peoples and the wider Australian community.<sup>41</sup>

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<sup>38</sup> Pearson, N, *The Right to Take Responsibility*, Cairns, p. 21.

<sup>39</sup> Pearson, see note 38 above, p. 21.

<sup>40</sup> Pearson, see note 38 above, p. 1.

The Council produced an *Australian Declaration towards Reconciliation*, which set out a vision to achieve a unified Australia where:

Respect and understanding of the cultures and histories that contribute to the nation are recognised, and that the importance of those cultures and histories stemming from the Indigenous peoples of Australia are acknowledged and honoured.<sup>42</sup>

The reports of the Council recommended a range of agreements and treaties between Indigenous peoples and Australian governments regarding lands and waterways, and that protects the political, legal, cultural and economic position of Aboriginal and Torres Strait Islander peoples. Indigenous calls for a treaty process in Australia had re-emerged during 2000, in part prompted by the Council's consultations over its final recommendations.

Also in 2000, Noel Pearson released *Right to Take Responsibility*, in which he declared that:

People in government and Aboriginal agencies who want to solve social problems are only ever going to have limited success ...until we tackle the ongoing cause of the social corruption which is the passive welfare economy.<sup>43</sup>

Noel noted that:

I have suggested that the nature of the passive welfare economy is reflected in our social relationships, but our social problems are more often interpreted as the legacy of our colonisation. Who is right?<sup>44</sup>

While the Government rejected the Council's recommendations it subsequently advocated for a practical reconciliation agenda that did not deal with the symbolic gestures of reconciliation, rather to focus on practical outcomes:

For too long we have left ideological positions like self-determination prevent governments from engaging with their Indigenous citizens.<sup>45</sup>

Instead of following through with the Reconciliation agenda, the Government then framed a policy response to Noel Pearson's claims in which unconditional welfare:

Will become a thing of the past. Mutual obligation policy has been applied differently in remote areas – many working age adults are exempt from activity testing; the current arrangements that exempt residents of remote communities from the mutual obligation requirement will, as far as possible be removed and CDEP will be reformed to ensure similar participation requirements apply – for example: no work, no pay.<sup>46</sup>

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<sup>41</sup> Council for Aboriginal Reconciliation, *Australian Declaration towards reconciliation*, Sydney, 27 May 2000.

<sup>42</sup> HREOC, Bringing them home Education Module, *Reconciliation*, 2003.

<sup>43</sup> Pearson, see note 38 above, p. 32.

<sup>44</sup> Pearson, see note 38 above, p.32

<sup>45</sup> Vanstone, *Bennelong Society address*. Available from ([www.bennelong.com.au](http://www.bennelong.com.au)) accessed on 14.04.05, p. 4.

<sup>46</sup> Vanstone, see note 45.

Noel's proposals influenced the Government during an important time in the evolution of Australian political history and have been used time and again as a justification by the Liberal and National Parties government for its' practical reconciliation agenda. The Government has shifted emphasis towards economic development and engagement with Indigenous peoples whether through welfare reform, the creation of jobs, or the implementation of enterprise and industry. The Government has also indicated that their services and programs will have an increasing focus on 'value for money spent' and the production of 'outcomes and results for Indigenous people'.

The economic strategies in the new arrangements are supported by a number of programs announced in the 2005 Australian Government Indigenous Budget:

- Indigenous Economic Development Strategy to be implemented from within existing resources;
- Aboriginal Employment Strategy - \$17.0 million over 4 years;
- Community Development Employment Projects – reform from within existing resources;
- Indigenous communities mining/industry working in partnership program – \$2.0 million over four years;
- Indigenous entrepreneurs financial literacy program - \$4.5 million over four years;
- Indigenous youth leadership \$11.9 million over four years; and
- Promoting Indigenous Art \$4.0 million over four years.

This has been the most important contribution any one individual has made to the development and implementation of the new arrangements in Indigenous affairs. Noel's contentions have assisted the Government to frame the response for Indigenous peoples to make a transition from dependence to independence. The assertion that people will develop socially and morally correct relationships with each other through the enhancement of individuals' capacities to engage with real economies is paramount in the new arrangements.

**Contention Two:** That the invariable tendency of governments is to deliver passive welfare

Pearson contends that passive welfare bureaucracies involving government and non-government structures will be the major impediment to the restoration of responsibility in Aboriginal society in Cape York. Bureaucracy is the key contributor to the problems afflicting Aboriginal and Torres Strait Islander people because elements within the bureaucracy will actively oppose attempts to reforms by people in communities to take control and practice responsibility; and will continue to take over the functions and responsibilities of individuals, families and communities.

Pearson says that:

The government's responsibility is simply its usual responsibility to coordinate and facilitate the solution of an urgent social crisis. It has the responsibility to return us to the real economy...government's responsibility is only transitory, or at least not indefinite.<sup>47</sup>

A major response by the Government has been to actively engage with individuals in communities to ascertain their service delivery requirements, thus ensuring that services

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<sup>47</sup> Pearson, see note 38 above, p. 54.

are delivered in line with requirements specified through Shared Responsibility Agreements that ensure all partners have a role and responsibility to overcome 'disadvantage'. The Government has also attended to another of Noel's contentions that, in order to halt passive welfare practices, governments need to coordinate their activities at a regional level. On his advice, governments have implemented:

- whole of government approaches to ensure that there is no wastage of government resources;
- joined up programs to ensure synergies exist between departments intent on facilitating solutions in communities; and
- the creation of one stop shops (Indigenous Coordinating Centres) to streamline access to Commonwealth funded services.

The development of a whole of government approach includes the sign-off of bi-lateral agreements between State and Territory governments and the Commonwealth; the development of Regional Partnership Agreements; a policy implementation tool that guides government funding into the region; and at the community level, the proposal to develop 20-30 year plans to assist individuals take responsibility for becoming independent citizens and make the transition from dependence to independence.

The need to regionalise, advocated by Pearson and identified in the ATSIC Review, has resulted in the new administration of Indigenous affairs occurring at the regional level, through ICCs in which all of the staff from a variety of departments that administer programs and services for Indigenous people and will 'bring together coordination, planning and service functions':

ICCs will be the main engine for coordination of Indigenous-specific programs in the regions, where the new arrangements are focused. They will work with local Indigenous communities and negotiate regional and local agreements for effective partnerships and shared responsibilities.... The new arrangements call for creativity and accountability, together with sensitivity to the needs of local Indigenous people and the ability to negotiate with them.<sup>48</sup>

Evident in this statement is the new language that governs Government interventions in communities. No longer is the public service 'stale', 'obstructionist' or 'outdated'; it is 'new', 'sensitive' and 'creative'. This new language accompanied the recent Government reform agenda and is part of the remodelling of service and program delivery derived from Noel's comments.

Governments have targeted almost all discretionary monies and activities toward rural and remote communities, as these people have been most affected by passive welfare (most of the working age population are in receipt of welfare payments) and are the most geographically isolated from a real economy.

Governments see their interventions more as a partnership with individuals with built-in reciprocity to facilitate solutions rather than attempting to solve problems where the Government takes the roles and responsibilities of families themselves; a feature of the passive welfare bureaucracy identified by Noel.

The intention of the Government could be seen to facilitate Indigenous peoples from remote communities into urban society as a method of overcoming disadvantage and making the transition from dependence to independence. The need for Shared

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<sup>48</sup> OIPC, *New Arrangements in Indigenous Affairs*, see note 3 above, p. 15.

Responsibility Agreements will end when Indigenous individuals become tax payers in a real market economy; they will no longer be eligible for discretionary funds.

Becoming a tax payer is the ultimate Shared Responsibility Agreement in Australia, one to which we all must aspire. In this way we are no longer dependent on tax payers' money and can start to give back to the community that has supported us (for so long). Indigenous peoples will have successfully made the transition to independence; finally being able to be responsible and manage our own and our family affairs without the assistance of government.

**Contention Three:** Leadership must be seen as something that pervades all layers of society

Pearson talks about leadership as being something that everyone should be capable of exercising, or failing to exercise. Not just people at the 'top of the tree' of governance, but throughout the 'layers' of governance, down to the families.

The thing about leadership in the lowest layers of governance is that anyone can lead and everyone must. Such leadership need not always be in words, but can be unspoken through deeds. Leadership by example at the domestic level is probably more decisive for successful society than 'top of the tree' leadership.<sup>49</sup>

This contention has major ramifications for the representative capacities of Indigenous peoples in Australia. Noel has suggested that communities, particularly those in rural and remote areas, need to develop a style of leadership that pervades all layers of community governance, but will be felt most significantly at the domestic level. In this way, people assert leadership within their families to contribute to the state of their society, and strive to ensure that these leadership principles are developed within all who belong to that family.

In response to this contention, the new arrangements in Indigenous affairs will ensure that governments work directly with families, and that those families will be the only group to advocate on their behalf. Minister Vanstone said:

Over the past forty years intermediaries in various disguises have been created to speak on behalf of Indigenous communities. ATSIC was the last of these creations. A non-Indigenous construct designed to satisfy the rest of us that Indigenous Australians had a voice. The problem was that's not the voice Indigenous Australians were choosing to use. 80 percent of those entitled to vote did not think it was worth it... These intermediaries include consultants, lobbyists, and service providers and assorted others of goodwill, including bodies and individuals claiming to speak for Indigenous Australians...it has been convenient for successive governments to talk to these groups...talking to the vast and diverse range of communities with different cultures, in different places with different opportunities...is a harder task....really the only people who can authorise others to talk on their behalf are the individual, the family unit or the community.<sup>50</sup>

An information brochure for Indigenous communities and organisations suggests that the new arrangements:

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<sup>49</sup> Pearson, see note 38 above, p. 52.

<sup>50</sup> Vanstone, National Press Club address, see note 36, p. 2.

Mean that Indigenous communities are involved in deciding how government programs will meet community needs.<sup>51</sup>

And that:

Indigenous service-delivery organisations will remain important, but they will need to be accountable and have a good record of getting results for Indigenous people. As SRAs develop, organisations will need to ensure their services are in line with what communities want. And they will have to show that their services get good results.<sup>52</sup>

Organisations, groups and coalitions of interested groups will not be recognised as legitimate forms of Aboriginal and Torres Strait Islander representation. In fact, it is likely that in the new arrangements these groups will be seen to undermine the advocacy capacity of individuals. The most recognisable form of leadership and representation in the new arrangements will occur at an individual, family and community level, with everyone being moved along a trajectory from dependence to independence at a domestic level. This action will reduce the division between community leaders and followers and is the option that the Government has chosen to develop a pervasive leadership, such as that described by Pearson.

Through these means, it is made to appear likely that someone powerful has no authority over someone powerless; that in fact there is an equal partnership between governments and individuals. This ensures government is operating in the best interests of families. SRAs will be the policy implementation instrument through which people will sign up to assume this new model of legitimate community leadership.

**Contention Four:** There is no reason why we cannot raise children who can operate competently in a globalised world, as well as in their society.

In cases of social breakdown, Noel asserts that the welfare of children is neglected, that society does not demonstrate any care about the wellbeing of its children and no care is demonstrated in relation to their basic health and educational needs. Pearson says that the problem in Cape York is that:

We are not ambitious enough for our children and our society...our failure to have a vision for the future of our children is understandable...it is the passive welfare mentality that restricts us. Freed from it, we will be able to imagine better things for our children.<sup>53</sup>

Noel has discussed the concepts of orbits – of young people being mobile in the future through capability and by choice in pursuit of their sporting, artistic, educational and career talents and aspirations. His contention is that people will choose the scale of the orbits on which they embark – temporarily, for longer periods and ultimately returning home. Unlike departures of the past, where too often people left and never returned, in Cape York they are trying to ensure that young people can make contributions to their community, ‘where they are welcome’. To facilitate this, Noel has identified that the education of young people is the key.

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<sup>51</sup> OIPC, *New Arrangements in Indigenous affairs: Information for Indigenous communities and organisations*, Information Brochure, 2005.

<sup>52</sup> OIPC Brochure, see note 51.

<sup>53</sup> Pearson, see note 38, p. 61.

The Government response to Noel's assertions in this area has been significant. The new arrangements has identified and quarantined funds to facilitate these activities including:

- Remote Indigenous Students - tutorial support for students leaving their communities - \$8.7 million over four years;
- Indigenous youth leadership \$11.9 million dollars over four years;
- Indigenous Youth mobility allowance \$16.1 million over four years;
- Improving school attendance in remote communities (No School no Pool Programs) - \$5.0 in 2004 – 05
- Developing a twenty to thirty year vision - \$2.0 in 2005 – 06

These funds, combined with other program monies totals \$543.1 million allocated to the Education and Training of Indigenous people, predominantly target the increased mobility of young people in rural and remote area communities.

In total, Noel Pearson has had an incredible influence over the policy direction and actions of this Government. His assertions have had a major impact with the majority of his contentions evolving into the policy frameworks of the new arrangements in Indigenous affairs.

Unfortunately, Noel's assertions have also made him 'peerless'. The Government's use of his name as a 'brand' or as a 'product endorser' of their Indigenous affairs agenda has not endeared him to other Indigenous leaders, nor has there been an evaluation of the success of the work that has been developed in Cape York or whether these approaches can be translated outside of that specific context.

Pearson's influence in the Government's plan to assist Indigenous people to make a transition from dependence to independence cannot be underestimated. It remains to be seen whether the bureaucracies, services and the individuals in communities can facilitate the solutions necessary to assist all people living in rural and remote communities to participate in a real economy.

### **The new 'trajectory' for rural and remote communities and the development of categories of competence**

I believe that Aboriginal and Torres Strait Islander individuals will be placed on a trajectory in which people are described as a 'client', as 'competent' or developing competence to operate in a real economy; then finally as a 'contributor'; one who is successful within the family and in a real economy that exists outside of rural and remote communities. This trajectory has been developed to define where people are placed in the transition from dependence to independence; and is accompanied by three categories of 'competence' in the new policy framework.

- Competent Indigenous people who reside in urban areas and who should have no access Indigenous specific funding;
- Those who live in remote areas and lack competence due to the disadvantage they experience from their circumstances and therefore must be helped by governments; and
- Those who continue to choose to live in disadvantaged communities and who choose to lack competence are those who cannot be helped at all.

The new arrangements in Indigenous Affairs have been developed to facilitate our social inclusion into mainstream society; thereby promoting a sense of Australian homogeneity and suburban societal cohesion. Allocations to categories of competence have occurred



as a result of a perception about the expertise required to operate in modern Australian society.

These categories of competence are demonstrated in the Government's framing of young people's participation in education. Through these means, it is intended that young Aboriginal and Torres Strait Islander people can be fully recruited into the mainstream economy and society.

It is assumed that education in and of itself will produce benefits for all who participate, which is based on a significant body of international evidence that states for example, that the education of a mother greatly enhances the health outcomes for her children. However, education systems that are grounded in 'strategically white' constructs, are delivered by mostly non-Indigenous people and are populated by non-Indigenous students cannot be presumed to alleviate Indigenous disadvantage.

Separation from families, removal from cultural contexts and the consequences of racism has been found to compound stressful life experiences with long term physical and mental ill health. The combination of these experiences may have major implications for Aboriginal and Torres Strait Islander children in mainstream urban classrooms, and warrants further investigation.<sup>54</sup>

Young people are being economically facilitated by the Government to move from remote communities into urban areas. The Minister stated that:

Education is the passport for people wanting a better future...some Indigenous people from remote communities with a good education have shown they can get jobs in major cities and towns while still maintaining links to their traditional country and people... we need more people in remote communities to have these sorts of opportunities...<sup>55</sup>

This is being done because, it is claimed that:

Remote communities have limited economic potential and people are trapped... because they have no education and the economy [of remote area communities] is a long way short of supporting the current population...with a rapidly growing population the prognosis is worse.<sup>56</sup>

The pursuit of education is one of the largest mobilisation strategies from remote to urban areas in recent years. The Government has made substantial investments to ensure that young people, once engaged within the mainstream education system, have support to remain within that system until they attain young adulthood. *The Australian* reported that:

Indigenous students from remote communities will secure taxpayer-funded support to study at private schools and universities. An estimated \$500 million, including an extension of a program that rewards school attendance with money for recreational facilities, will be spent improving the results of Aboriginal students. Scholarships will also be offered to 250 students to attend high-performing schools and universities. The Indigenous Youth

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<sup>54</sup> Malin, M., Is schooling good for Aboriginal children's health? Cooperative Research Centre for Aboriginal and Tropical Health and Northern Territory University Occasional Paper Series, Issue no. 8, 2003, p. 9.

<sup>55</sup> Vanstone, *Bennelong Society Address*, see note 45, p. 5. (my emphasis)

<sup>56</sup> Vanstone, see note 55 above.

Mobility Allowance will also provide 23 million over five years to help 600 people from remote areas travel to the city to pursue pre-vocational training and apprenticeships ...Without additional support in their first year, many students fail and return to their communities.<sup>57</sup>

It seems that the Government would consider it a failure for students to return to their communities; home, to places that are familiar and provide for them some level of comfort and support. Funding has been directed to tutorial and other programs to ensure that this need for comfort will be derived from an institution, and that young people should be considered successful if they are living in an institutional setting, more so than their own communities. Minister Vanstone has said:

Children from remote communities need our help to walk in two worlds... Large numbers of Aboriginal people have made a shift near or into towns where there are better services and jobs...Young Indigenous people will want to move to the towns and capital cities. Remote communities will face a very difficult time as their young people choose to move away. The transition will be difficult. It is a difficulty communities will have to face and manage and we [the Government] must be there to help with that.<sup>58</sup>

The Centre for Aboriginal Economic Policy Research Discussion Paper on the *Opportunity Costs of the Status Quo in the Thamarrurr Region 2005* showed that if the observed social and economic conditions remain the same, then the cost to the government of providing income support and other welfare payments, as well as program support in the areas of health, housing and CDEP in particular, to say nothing of administering criminal justice, will simply escalate in line with the growth in population at over 3 percent per annum.

The report also states that if local people had more jobs at higher occupational levels, then they would be able to meet a greater share of the income now provided by the Government. The policy challenge, the report goes on to say, is to reverse the current pattern of overspending on negative areas of expenditure and underspending on positive areas to create a situation of investment in human and physical capital substantially beyond existing levels. To give an idea of just how far beyond in one program area alone, the current estimated cost of meeting agreed standards in housing provision for the Thamarrurr region stands at \$52 million, such is the backlog of housing and related infrastructure.

The policy options are not cost neutral; the cost of sending many children to school in urban areas at a cost of \$523 million will fix up the housing backlog in approximately 10 communities and their regions. There are economic imperatives for people to be moved into schools in urban areas. It is a long term vision of the Government to invest in areas where people can live independently, not dependently and that the Australian population growth occurs within areas that have a sustainable resource base. In this way, they can join the:

Many first Australians [who] do not live in remote areas of Australia but within the metropolitan areas of capital cities and regional towns.<sup>59</sup>

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<sup>57</sup> *The Australian*, 11 May 2005, p. 1.

<sup>58</sup> Vanstone, *Bennelong Society Address*, see note 45 above, p. 2.

<sup>59</sup> Vanstone, see note 58.

### *Financing the trajectory and the categories of competence*

Funding through these new arrangements is being directed toward education, economic development and mobility programs that the Government considers are important components for the strategies of these communities. Mobilisation strategies from remote to urban areas are inherent in the new arrangements as:

We cannot ignore the practical reality facing so many in very remote communities today. Little education, little if any work experience, little hope of comfortably walking in white man's world.<sup>60</sup>

It is desirous for many Australians and indeed for some Indigenous people that Aboriginal and Torres Strait Islander people 'fit in modern Australian society' as citizens that have the capacity to '...share equally in the rich opportunities Australia offers'.<sup>61</sup>

However, there is a view that that this will only occur in suitably cultivated settings, which are inhabited by the more educated members of well-governed Western societies and not our own disadvantaged communities.<sup>62</sup>

Those who live in disadvantaged communities are subject to the values and attitudes of government officials who implement policies to affirm a belief that Aboriginal and Torres Strait Islander people will overcome disadvantage if we embrace a notion that we have a capacity for autonomous, self directing activity. Our role in this policy implementation framework is to improve ourselves, and by doing so allowing the government to make use of this new capacity by recruiting us to participate in the modern Australian commercial society.<sup>63</sup>

The new arrangements in Indigenous affairs are targeting rural and remote populations of Aboriginal and Torres Strait Islander communities because the outcomes derived from government funding for the practical reconciliation agenda will be more obvious and potent:

- replace passive welfare by reciprocated welfare and the creation of training opportunities and jobs;
- our young people will participate in school education both internal and external to the community;
- our community crises can be better addressed through coordinated government action; and
- material poverty will be reduced through better economic management of Indigenous land wealth.

Indigenous disadvantage will be remedied by establishing equal partnerships between government, individuals and families to '...allow us the opportunity to shape our own destinies'.<sup>64</sup> These destinies, however, need to demonstrate a preparedness to engage with and support unequivocally the views of government; ensure the government does not have to manage any political consequences of Indigenous identity (including separate

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<sup>60</sup> Vanstone, see note 58.

<sup>61</sup> Howard, Australia Day Flag Raising ceremony, see note 33 above.

<sup>62</sup> Helliwell, C. and Hindess, B., The 'Empire of Uniformity' and the Government of Subject Peoples in 'Government, Social Science and the Concept of Society' Australian Research Council. 2002 p. 3.

<sup>63</sup> Helliwell, C. and Hindess, B., see note 62.

<sup>64</sup> Vanstone, *Bennelong Society Address*, see note 45 above, p. 4.

governing structures or the accommodation of separate cultural identity) and manifest in our legitimacy within the urban based commercial society.

These destinies will be managed through a single foundational act of agreement – a social contract– between the government and its Indigenous citizens. These acts of agreement will be the mechanism by which Indigenous people will access discretionary monies to pay for being improved; to have our capacity developed; through extended periods of discipline and accountability, before we can sensibly be left to manage our own, and our family affairs. That is, we will work to promote the capacities required by Indigenous people for autonomous action in the modern Australian commercial society thereby demonstrating our fitness to belong.<sup>65</sup> This is the primary role of the two new policy implementation instruments: the SRA and the RPA.

It would appear that this Government is ill-equipped to deal with the contemporary political consequences of Indigenous identity (including separate representative structures and inclusive cultural aspirations) and this incapacity significantly influences how the government treats those who are different. This is the core of the matter for me: in the new arrangements, Aboriginal and Torres Strait Islander peoples are beholden to government, who determines whether we can control our own affairs. This determination is dependent on society's views of our competence; and this competence is measured only in terms that describe our contributions to the market economy.

*Different assertions for different geographical regions across Australia*

Even as this approach is being played out in communities across rural and remote Australia, a different assertion exists for Indigenous people in urban settings. It is assumed that Indigenous people in urban areas have a particular kind of expertise that allows them to participate in commercial society and therefore they require smaller levels of improvement by government, and less access to discretionary money. This assumption is based on the perception of an Indigenous person's ability to enter into and operate in the 'white spaces of society'.<sup>66</sup> If we have this capacity then we can sensibly be left to manage our own, and our family affairs. This assumption is being played out in policy by stating what it is that urban based Indigenous people need: improved access to mainstream services. This has been said many times by Minister Vanstone:

In urban settings, Aboriginal specific services will not be able to access Indigenous specific monies if paid for from the Commonwealth. Agreements will need to be reached with State based services whom have a responsibility to cater adequately to first Australians.<sup>67</sup>

There will be limited shared responsibility agreement making about Indigenous specific discretionary funds with Aboriginal and Torres Strait Islander people in urban settings because the Government's position is that:

Indigenous-specific programs must be targeted at those most in need, not broadly targeted at people simply because they are Aboriginal or Torres Strait Islander.

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<sup>65</sup> See Meade, L.M., *The New Paternalism*, Brookings, Washington, 1997.

<sup>66</sup> McDermott, D, *Ghassan's Gran and My Mother: strategic Whiteness among Aboriginal Australian and immigrant 'others'*, Faculty of Medicine, UNSW, Sydney, 2001, p. 2.

<sup>67</sup> Vanstone, National Press Club address, see note 36 above, p. 7.

In remote and very remote communities, where about 120 000 Indigenous Australians live, the problems are most severe.<sup>68</sup>

Therefore the government will, through a ‘...whole of government approach involving all relevant Ministers and the States and Territories’,<sup>69</sup> initiate bi-lateral agreements between governments to:

Improve access to mainstream programs and services in urban and regional areas, thereby freeing up more resources for remote area communities.<sup>70</sup>

However, there is an imperative from government that all Indigenous people living in rural and remote areas will choose to participate in self-improvement programs:

Education is the passport to a better future for every Australian...If children do not attend school their prospects will be poor and government’s capacity to help reduce Indigenous disadvantage will be substantially diminished...<sup>71</sup>

The implication is that if people do not choose to participate in self-improvement programs, then they cannot expect to be helped.

There may well be Aboriginal and Torres Strait Islander people who consider themselves to be dually ‘disadvantaged’ and ‘living in urban areas’. The Government lacks adequate capacity to work with these communities as they are not as easily defined as in remote area Aboriginal or Torres Strait Islander communities. Due to these reasons, governments may have to regard them as ‘citizens capable of managing their own affairs’ given some assistance from mainstream organisations, not because they believe this to be true, but simply because it would be too difficult, and too resource intensive, to treat them as otherwise.<sup>72</sup>

## **Section B: The New Arrangements: Policy and Actions of Government and the impact on Indigenous peoples.**

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The Secretary of the Department of Prime Minister and Cabinet stated that the primary focus in the implementation of the new arrangements has been for the Australian Public Service to:

Advance the Government’s own agenda for innovation and best practice reform, including coordination with other agencies, the provision of funding based on need and outcomes and the development of new methods of service delivery.<sup>73</sup>

This statement indicates that all efforts should target the reduction of administrative barriers for Indigenous people to improve access to services. However, in the first twelve months of the new arrangements, implementation of the Government’s agenda has meant that the primary clients of the Indigenous affairs reform agenda have been those working in the bureaucracies of the Australian and State/Territory governments.

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<sup>68</sup> Liberal and National Parties election policy document, see note 34 above, p. 5.

<sup>69</sup> Election Policy Document, see note 34, p. 7.

<sup>70</sup> Election Policy Document, see note 34, p. 7.

<sup>71</sup> Election Policy Document, see note 34, p. 10.

<sup>72</sup> Hindess, B., The Liberal Government of Unfreedom, *Alternatives*, 26, 2001, p. 107.

<sup>73</sup> Shergold, Connecting Government speech, see note 10 above.

Concomitantly, Indigenous policy at the national, state and regional levels has changed with such speed that many Aboriginal and Torres Strait Islander people do not feel that there is a capacity to have ownership over any aspect of the new arrangements.

While there have been some attempts to keep all Indigenous peoples informed about the reforms at a federal level, there is a small group of Indigenous people who stand to benefit from the new arrangements. This group include those who have participated in the establishment of regional representative networks, those involved with COAG Trial sites, and those who can espouse the opinions, style, catchphrases and express themselves in ways that are consistent with government direction, or is familiar with government processes.

These Indigenous peoples will be able to participate in structures and networks that inform governments about methods to improve service delivery, develop partnerships with government agencies, negotiate agreements, and inform the strategies through which people will be improved to ensure their fitness for modern Australian society.

In this section I attempt to answer the question: How are the new arrangements effected through the policies and actions of the Government? I provide:

- An analysis of the primary and secondary client groups of the new arrangements.
- A review of Indigenous peoples' representation issues and a discussion about strategic leadership; and I
- Consider the implementation of the COAG Trials.

## **1. The primary and secondary 'client' groups of the new arrangements**

Achieving greater coordination in policy advice and program delivery is a high priority for public service administration in Australia. The whole-of-government approach advocated in the administration of Indigenous affairs is also seen as the public policy approach of the future, offering links to the global community of ideas, knowledge and understanding essential for the APS to face the governance challenges of the future.<sup>74</sup>

There are more demands to integrate policies, programs and services and increased expectations from a more complex society. Across the whole of the public service, coordination has been enhanced by reducing the number of departments and creating Centrelink, and has been significantly influenced by the COAG Trials within rural and remote area communities.

The new arrangements are based on administrative procedures, not legislative reform, providing the Government with more flexibility in how the new arrangements are implemented, but it also makes this implementation process less transparent and more difficult to scrutinise.

As yet, there is a lack of information about the new arrangements in Indigenous communities, which has caused upheaval and confusion amongst people living in rural and remote communities. This unease has been replicated in some of the bureaucracy who are tasked with implementing the changes. The more removed you are from Canberra, the likely consequence is a sense of disempowerment experienced by those implementing the arrangements, as well as those with whom the new arrangements are to

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<sup>74</sup> Department of Prime Minister and Cabinet, *Connecting Government: Whole of government responses to Australia's priority challenges*, Canberra, 2004, p. 3.

be implemented. Simply put, this is a failure of effective communication and lack of capacity among government agencies.

Many communities across Australia have had programs and consultation processes compromised during the reform process. The primary focus is on developing Government capacity to 'meet the needs of communities'. Communities have not benefited from the changes and are unlikely to do so until governments coordinate their activities more efficiently. There is an emerging primary and secondary client group in the new arrangements in Indigenous affairs. It is important to recognise the implications of creating these divisions.

The primary group consists of government service providers, mainstream funding agencies, bureaucrats in all levels of government and past ATSIC and ATSI Staff, as well as members of the public.

In the bureaucracy, many changes have resulted from the reform agenda that are internally, rather than externally focused. Staffing issues have been particularly fraught, with attention focused on redeploying staff from ATSIC to mainstream organisations; recruiting to the reconfigured regional offices, now ICCs and within the Canberra office of OIPC; and mainstream agencies shifting staff within regional areas and between ICCs and Canberra.

ATSIC and ATSI staff has had a negative experience of being part of the 'primary client group' of the new administration, as have many Indigenous staff within the bureaucracy, bearing the brunt of stress associated with the abolition of ATSIC.

Staff have been required to focus on the development of multi-level agreements, including at least 80 Shared Responsibility Agreements in the first year and participation in the development of bi-lateral agreements between the State and Territory governments and the Commonwealth. Staff have also had to introduce the coordination of service delivery and programs among governments in areas other than the COAG trial sites, and develop the skills and capacities to implement the 'new methods of doing business in Indigenous affairs' within the public service. The Social Justice Commissioner found during his consultations that:

The majority of public servants did not feel they had been provided with adequate information about how the processes would work. On occasion, this had led to confusion with Indigenous communities as public servants have not been able to answer questions put to them by Indigenous people.<sup>75</sup>

Government departments have also become the 'primary clients' of Indigenous specific money, independent of their capacity to spend it in ways that are efficient and effective and reflecting the needs of Indigenous people. In fact, many departments do not yet possess an adequate infrastructure to disseminate these funds. For instance the Department of Communication, Information Technology and the Arts (DCITA) was allocated significant amounts of money for Indigenous art, culture, language, broadcasting, sport and recreation; but the department did not have regional offices through which to operate, nor did senior bureaucrats in the department know of the Central Australian Aboriginal Media Association (CAAMA), nor could the Department guarantee this key organisations' funding.

The establishment of OIPC as the lead agency in Indigenous affairs is another example of the 'advancement, innovation and best practice reform in the new arrangements', which

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<sup>75</sup> Social Justice Commissioner Report, see note 5 above, p. 21.

also undermined the credibility and success of ATSIC. Unfortunately this was easy to achieve in the face of the public opinion due in large part to poor decision making of the Commissioners and the smear campaign of the ‘failings’ of ATSIC.

In the face of this campaign, members of the wider Australian public were also within the ‘primary client group’ of the new arrangements. The public discourse about the abolition of ATSIC consisted of a number of positions:

- Indigenous affairs arrangements are not working;
- ATSIC is an imposed structure, not one of Indigenous peoples’ making;
- Community controlled organisations are vulnerable to corruption and are failing;
- Representation is invalid and decision making is not in the best interests of the community;
- We (the Australian public) are not getting value for money; and
- The experiment has failed.

These statements compounded the public’s opinion about the opportunities provided by the new arrangements; and the solution to abolish ATSIC appeared to have bi-partisan agreement. Public opinion permitted the Government to abolish ATSIC. Mick Dodson commented to the Senate Select Committee Hearing on the new Arrangements in the Administration of Indigenous Affairs:

When you look back at the source of disadvantage, our biggest enemy has been public opinion. Our biggest obstacle to moving forward, to political action being taken and to power being exercised in our favour to our benefit - has been public opinion...The public do get it wrong. Just because it is the majority view, does not mean to say it is the right view. More often than not, good leaders do what is right, not what is popular. And popularity is our biggest enemy, because we are such a minority voice politically. We are never going to win the popular opinion contest. I think it is public opinion that leaves a government comfortable with making decisions about us without any reference to us as if we are invisible....There is the history, the dispossession, the ruination and the destruction – not only the taking away of our kids, the taking away of our land and the destruction of our language and our culture. As if that is not a bad enough burden to bear, we also have to bear the burden of public opinion...<sup>76</sup>

Government officials appeal to the wider Australian public, marketing their interventions as successful, thus providing them with the mandate to implement the policy framework across all levels of government.

For instance, the COAG trials have been hailed as a success and are being rolled out in new regions around Australia. Many bureaucrats and others have been actively promoting the methods used by governments in these trials as effective. There is limited research and certainly no evidence to show if these methods of engaging with a community produce long term benefits for the participants; nor is there any information to demonstrate whether the model can be replicated across Australia at a regional level.

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<sup>76</sup> Dodson, M., Senate Committee on the Administration of Indigenous Affairs, hearing on 3 February 2005, pp. 39-40.



Government officials are the primary clients for developing and implementing the whole of government approach, not the Indigenous communities and people within them, who are often viewed as:

- compliant but competent partners - there are unsubstantiated assertions that the eye disease trachoma has been eradicated due to a face washing program that was initiated in the community as part of a Shared Responsibility Agreement where people reciprocated washing faces for a petrol bowser. A Senior bureaucrat from OIPC informed the ATSIC Council Chairs at their last meeting of this 'success' and referred them to the article in *The Australian* on 8 April 2005.
- beneficiaries of government innovation - Lockhardt River is described in Senator Vanstone's Press Club Address as a beneficiary of Government innovation through the development of a single budget for the community, combining 51 different funding grants across 17 different agencies into one submission; or
- exalted as examples of Indigenous innovation - Northern Territory Local Government Minister John Ah Kit joined with Minister Vanstone in announcing a plan to improve school attendance and health outcomes for Aboriginal children through the provision of swimming pools to remote communities in the Northern Territory. The 'No Pool, No School'; program is to be rolled out across 10 communities in the Territory.

Those in the bureaucracy administering the programs, those who have access to decision makers and who enact the definitions of roles and responsibilities, are very industrious people - meeting and workshopping and coordinating and visiting and discussing and making all the arrangements for the secondary client group - Indigenous people living in communities.

The clear secondary client group of the new arrangements are Aboriginal and Torres Strait Islander people living across Australia, predominantly in rural and remote areas. It is unlikely this secondary client group will be adequately served for at least two more years. Aboriginal and Torres Strait Islander people living predominantly in remote areas and their representative organisations will have to wait until there is organisational capacity and infrastructure within the primary client group, that is, government agencies, before they will see the benefits of the new arrangements.

Such problems are revealed by the delays in obtaining funding. Aboriginal and Torres Strait Islander people have experienced significant delays in the release of funds from the primary client group and have had to curtail their activities in line with the uptake of new capacities within these government agencies. Aboriginal and Torres Strait Islander people in remote areas will end up being the end users of services provided by these primary client organisations.

The Government has concentrated on service delivery as a mechanism for reducing 'Indigenous disadvantage' and has established a clear primary and secondary client group as a result. The secondary client group have little information and few resources to engage those in the primary client group; and are likely to be serviced and defined by those in the primary client groups. Aboriginal and Torres Strait Islander people have broader aspirations including self-determination, sovereignty and the need to address non-financial barriers to participating in Australian society. These broader aspirations are unlikely to be addressed in the future through these new arrangements.

## **2. Indigenous regional representation and the emergence of ‘new’ strategic leadership**

In announcing the abolition of ATSIC and the new arrangements, the Government stated its intent was to address issues of Indigenous participation by:

- Appointing a National Indigenous Council of Indigenous experts to advise the Government in their individual capacities and not in a representative role;
- Indicating support for the creation of a network of regional representative Indigenous groups by 1 July 2005 to interact with governments and utilising the ATSIC Regional Council structures until that time; and
- Negotiating agreements at the regional level with new representative bodies and at the local level with Indigenous communities.

The new mechanisms for Indigenous input have not been in place long enough to evaluate and in some regions there are no mechanisms for input at all. At this stage, it does not appear that there are clear linkages between the local, regional, and state mechanisms for input and how these voices may provide advice at a national level.

### **Regional Representation**

Interestingly, the word ‘representation’ does not feature in the new Indigenous Budget measures despite the assertions from the Government that they would commit to new ‘representative arrangements’ following the abolition of ATSIC Regional Councils. Whilst the Government has refused to replace the elected national Indigenous representative body, ATSIC, with a genuinely representative structure, some of the roles of the ATSIC Regional Councils were considered an important feature to maintain. As such, the Minister said:

We will work with State and Territory governments and Indigenous communities to find the best mechanism for input at the local and regional level.<sup>77</sup>

However, from June 2004 the preferred Government model of regional engagement was indicated in a COAG Communiqué:

[COAG] is committed to Indigenous participation at all levels and a willingness to engage with representatives, adopting flexible approaches and providing adequate resources to support capacity at the local and regional levels.<sup>78</sup>

And support for this method of engagement with all stakeholders was previously indicated by the Minister to the ATSIC Regional Council Chairs:

I hope that we can develop a formal arrangement where not only the Federal Government, but State and Territory governments work together through one consultative arrangement. It is also my view, that where things work well now we should draw on those models. The Government has signalled that it will be consulting with Indigenous people at the regional and local level about the most effective arrangements for representing their needs and priorities into the future, and that this will be done in conjunction with State and Territory

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<sup>77</sup> Vanstone, New Service Delivery Arrangements media release, see note 35 above.

<sup>78</sup> COAG Communiqué, see note 9 above.

Governments...The new Indigenous representative networks may differ from region to region depending on local circumstances.<sup>79</sup>

The Government also provided a role for the Regional Councils to bring these new arrangements to fruition:

Regional Councils will be actively engaged in contributing to the development of the new arrangements. They will have a number of key roles such as:

- Performing an advisory role with government agencies while new arrangements are being put in place;
- Assisting the government to make the new arrangements work;
- Contributing along with others, to the formulation of new representative arrangements at the regional level.<sup>80</sup>

The Prime Minister also indicated that in relation to regional arrangements, he does not intend to impose a single model on all States and Territories; rather that he has a strong preference for finding arrangements that work - practical engagement to match practical reconciliation.<sup>81</sup>

The lack of development of the RPAs in areas that have not had access to COAG trials and the evolution of COAG Trial sites as the first to establish replacement regional networks demonstrates that the Government prefers to roll out the COAG models of 'what works' rather than the Regional Council model. It is difficult to appreciate the practicality of a notion of 'what works' if there is no research to ascertain whether a policy does or does not work.

I would argue that the Government has demonstrated a commitment to establishing regional models if they:

- Build on the COAG Trials and development of regional strategies based on, or replicating in part or entirety the experiences of the agencies in these trials;
- Maximise the community investment opportunities of ICCs by acknowledging them as the lead agency in the consultations with communities, with an emphasis on Shared Responsibility Agreements;
- Encourage the individual representatives in the region to actively participate and personally fund their involvement in the consultation;
- Facilitate the whole-of-government approach in the region to meet the requirements of the 'practical reconciliation' agenda;
- Support those community members who legitimise Government involvement in their communities and provide sufficient funds for those people to meet with governments about service provision in the region;
- Able to conduct its business separate to 'symbolic' aspirations of Indigenous people including issues like self-determination, treaty, cultural maintenance and sovereignty;
- Meet the performance reporting framework developed through OIPC in the number of and the comprehensiveness of Shared Responsibility Agreements; and
- Ensure that all governments are involved in every level of decision making about the aspirations of individuals within a region and that these decisions are reflected in a 20-30 year vision for the region.

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<sup>79</sup> Vanstone, A., Statement by Minister to ATSIC Regional Councils, 14 July 2004.

<sup>80</sup> Vanstone, see note 78 above.

<sup>81</sup> Howard, J., Letter from the Prime Minister to all Premiers and Chief Ministers, 10 April 2004.

The resultant regional engagement model will only be endorsed if it enables all government stakeholders to establish clear roles and responsibilities through agreement to making processes with individual community people through SRAs. Thereby, the Government will offer a simple, coordinated and flexible one stop shop service through the ICCs, and by doing so aim to alleviate the disadvantage experienced by many individual people in remote communities.

Through the first year of the new arrangements the commitment to Indigenous representation has been under threat from senior officials in the Office of Indigenous Policy Coordination. In my employment as the Director, Regional Governance Unit in OIPC, I had responsibility for assisting communities develop regional representation strategies given the impending abolition of the ATSIC Regional Councils. I was to engage both ICC staff and ATSIC Regional Council members to consult communities about representation requirements in their region and suggest how these may be addressed through the new arrangements. For me, it was a sad job. I met a lot of Indigenous people around the country struggling with the new arrangements and a new disillusionment as people watched ‘governments taking over their lives again’.

When I started talking with communities and Regional Council in October 2004, I would explain notions of regional governance and the idea of regional representative networks. I was not allowed to use the language of new structures or councils or authorities because these words implied a security of representation and legitimacy that was not part of the Government’s agenda. By January 2005 it was ‘regional bodies’, and then in February it was the weak words of ‘regional networks’.

In the May 2005 Budget, I noted that the new term was ‘regional engagement arrangements’. Funding was provided to continue the Shared Responsibility Agreements Implementation Assistance Programme at \$85.9 million over four years. These funds will resource the development of SRAs with communities that do not fall neatly within individual agencies’ responsibilities, while supporting ‘Communities in Crisis’ interventions and continuing assistance for Torres Strait Islanders on the mainland, as well as community engagement broadly.

But by then, the Regional Governance Unit had been disbanded in a restructure of OIPC. Staff were incorporated into the Partnerships and Shared Responsibility Group, thus removing any of the corporate expertise that could have assisted the transition from the Regional Councils to the new regional arrangements.

Commonwealth Government rhetoric has been to ‘support community engagement arrangements at the local level developed by Indigenous people’ believing it to be ‘more consistent with Indigenous self-management for Indigenous people to develop and establish their own representative bodies’<sup>82</sup> there were concerns expressed by senior bureaucrats not to ‘recreate ATSIC by another name’ and demonstrates a government view that ‘it is not the role of government to create, either by legislation, or fund representative structures’.<sup>83</sup>

It could be said that the Government is promoting self-determination by devolving the rights and responsibilities to individuals to participate in decision making to improve the lives of their families. Consequently, there will be no government support for Indigenous peoples to address the broader aspirations of our communities including the creation of a national voice; self-determination as peoples, and sovereignty as well as to

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<sup>82</sup> Australian Parliamentary Debates, House of Representatives, 2 June 2004, p. 29858.

<sup>83</sup> Senate Committee Report *After ATSIC*, see note 20 above, p. 59.

assert themselves as distinct societies or political communities; and the need to address the non-financial barriers to participating in Australian society.

Without a national representative voice, there is a demarcation between processes for setting policy at the national level with the processes for implementing policy and delivering services at the regional and local levels. While the new arrangements are based on a 'top down' and 'bottom up' approach, this is in terms of government coordination and not in terms of Indigenous participation.

### *Emerging inequities in Indigenous regional representation*

Some of the questions I was regularly asked by community people and their representatives highlighted emerging inequities in representation: "Why are the Torres Strait Islanders able to have their own Regional Authority? What would happen if we want a Regional Authority?" I had to respond that the Government is talking about regional networks of Indigenous groups and not likely to support the establishment of new regional authorities. We were all a bit bewildered why this might be the case, and it remains one of the areas in 'regional representation' that remains inadequately explained.

The Torres Strait Regional Authority model was one that was highly desirable for people in many regions across Australia, and a model that Regional Councils wanted to discuss with communities in their regions. When asked about the perceived benefits of such a model, Aboriginal people replied that it has a high degree of autonomy; a legislative foundation; and the TSRA administer a considerable amount of government funding. Similarly, in regions where there was a highly effective Regional Council, there were no satisfactory answers that I could give community people, bureaucrats or staff in community organisations, why there was a need to abolish everything that was working in their region, and develop new structures that did not have the corporate capacities of the Regional Councils, who could assist government in their whole of government endeavours and who could facilitate the development of SRAs in the communities.

At the last meeting of the Regional Council Chairs on 12 April 2005, the parameters of the consultations to bring the new arrangements into effect were discussed. Senior bureaucrats from OIPC said to the forum that:

Different models will be considered on a case by case basis, we expect there to be different models in different regions. There will be support for people coming together to have regular and on-going meetings to work with governments on RPAs – a roadmap for government investment in the region. There will be recognition within the RPA for the Indigenous part of the partnership, with some support for coordination and support arrangements. The OIPC would like to see models taking more shape as this will be very helpful in making decisions. There is a need for ICCs and Regional Councils to get to the next step in the consultation processes. Government will not support an election. There will be no monies to pay for legal costs [to incorporate] and there will be no Regional Authorities.<sup>84</sup>

However, there was a commitment from the bureaucrats to build on the work of ATSIC Regional Councils where their Regional Plans could be used to develop 200 day Action Plans for the region. The officials also recognised the contributions made by the ATSIC

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<sup>84</sup> Personal notes of the Regional Council Chairs meeting, Canberra, 12 April 2005.

Regional Councils, suggesting that the Government ‘would only realise what Councils do and did in your absence’.<sup>85</sup>

I can only assume from this response that the ATSIC Regional Councils were seen to be a necessary consultative mechanism in the transition, one that would be necessary to replace but not retain in any form.

Two Regional Council Chairpersons at the meeting suggested that the Bi-Lateral Agreements had left Indigenous people out of the negotiations. The senior bureaucrats replied that:

The Bi-Lateral Agreement came out of the COAG agreement to reduce duplication and cross over between individual departments... the aim [of the bi-lateral agreement] was to sort out government practices...[and is being done] partly in response to criticism the Commonwealth/State system is too complicated.

It was made clear by the Government to the ATSIC Regional Council Chairs that in developing new regional representative arrangements across Australia, the Government will not consider any models that function like the TSRA.

At the point of abolishing the Regional Councils on 30 June 2005, the Government demonstrated a preparedness to support ‘community engagement arrangements’ and will make decisions about whether these arrangements will facilitate plans to harness the resources of governments working in the area. However, the Government also disallowed Aboriginal autonomy on the mainland and segregated Indigenous people into racially defined groups of autonomous, represented Torres Strait Islanders and dependent, non-represented Aboriginal people.

The Government and its bureaucrats have never adequately explained why the reform agenda has retained active, representative and executive structures for Torres Strait Islanders living in the Torres Strait, and why, through the budget process, the Torres Strait Islanders on the Mainland will continue to be supported to meet and make decisions in a national capacity. This level of prescription about Aboriginal and Torres Strait Islander representation will need to be addressed.

Some regions had new ‘regional engagement arrangements’ in place on 1 July 2005 and people in those regions will have the capacity to negotiate about services with governments. However, many groups of people will have developed regional representative models that will not be funded in either in part or in whole.

The development of regional representation will be dependent on the COAG trials and the progress made with individuals and families to sign SRAs with governments. The question remains what will happen in regions that do not have replacement regional structures in place, and thereby are not fully engaged in the SRA that might deliver resources to provide services for specific purposes.

While the Government recognises that different models are likely to emerge to suit different jurisdictions, there is nonetheless limited support for the full implementation of the range of representative models that are being developed by Indigenous communities to meet their different aspirations.

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<sup>85</sup> Personal notes, see note 83 above.

The Government has articulated that the models must be workable, affordable, effective and efficient and have a membership that has the capacity to provide informed advice about regional priorities, service delivery methods and assist in the development of a 20-30 year vision for the region. What will be lost is an independent representative voice that can promote the engagement of Indigenous people with each other, without the involvement of government, on issues of common concern. This signifies the end of the self-determination period in Australia as we know it, and introduces a new phase in Indigenous affairs that implies the need for a 'new' Indigenous leadership.

#### *The emergence of strategic Indigenous leadership*

The Indigenous people who are emerging as the Government recognised 'new leadership' will be used to legitimise the reform agenda and be identified by bureaucrats as 'good'. The 'new leadership' must by definition stand in contrast with the old leadership- associated with former structures, elected representatives and others who do not necessarily espouse the opinions, style, catchphrases and express themselves in ways that are consistent with the new arrangements.

The new leaders will be the outcomes of the practical reconciliation agenda – living evidence of the Government's success - and are likely to be people who are self reliant and independent from welfare, those who have completed schooling and those who advocate for Indigenous people to generate better economic returns from their land and/or those who work in government agencies. These new leaders are therefore differentiated from those who maintain their land, have cultural plenitude, make decisions about keeping corporations off their country, advocate for sovereignty, adhere to a 'rights' agenda or who espouse symbolic gestures. They are not those who have been leaders under the self-determination era of Australian Indigenous affairs.

Those who have never been given legitimacy from their community to speak about issues now have new platforms to infiltrate public opinion. For instance, a member of the Government appointment National Indigenous Council has made a number of public comments about 'Aboriginal people not needing more money, rather money better spent' and comments that 'young people need to leave their traditional country to get an education'. People like this will be legitimised as spokespersons on Indigenous affairs, primarily because their sentiments are consistent with those of the Government.

Recent success stories have also highlighted these new leaders in relation to government activity, not in relation to each other; enacting a 'divide and rule' principle in which Indigenous peoples are encouraged to have their strongest and most rewarding relationships with government, not with their peers or other members of their community, unless those relationships are established through government activity. These reward/non-reward relationships are being played out under the notion of 'partnerships' in the new arrangements. Minister Vanstone said:

The relationship between governments and their Indigenous citizens must change....It is far more effective for people to change behaviours than for governments to invest in patching up problems. It is a great disrespect to Indigenous Australians if we do not allow them the opportunity to change behaviours, take responsibility and to be real partners [with governments].... Indigenous citizens must be equal partners [with government] allowed the opportunity to shape their own destiny's....<sup>86</sup>

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<sup>86</sup> Vanstone, *Bennelong Society Address*, see note 45 above, p. 4.

Senator Vanstone added a warning that funding agencies that do not include incentives and in some cases sanctions targeted at changing the behaviours of Indigenous people will not be considered to have established the right type of partnership between Aboriginal and Torres Strait Islander people and the Government.

Aboriginal and Torres Strait Islander people have been ill informed about the new arrangements and the consequences for their legislated representative and governance capacities. There are approximately 7000 Aboriginal and Torres Strait Islander representative organisations across the country. With the abolition of ATSIC, these agencies will be able to assert their new leadership role within the new arrangements, however, this will be restricted if the agency is in an urban setting, is not a service provider, or is a dissenter against the Indigenous policy framework. Again, Minister Vanstone stated:

We need to understand that it [an organisation] may be controlled by one family group that doesn't...speak with or for the others in the community...equally whoever runs it speaks with the self interest that all service providers bring in discussions with government.<sup>87</sup>

We cannot rely on intermediaries to do the job for us. They should stick to their role as a service provider and focus on achieving the outcomes we (the Government) require... We will do the listening (to communities) ourselves.<sup>88</sup>

Although the Government is not clear how it do it's listening and to whom it will listen, it is clear that the Government is engaged in a process of devaluing dissenting individuals and organisations. This course of action is oppressive, just as exalting and exploiting Indigenous individuals who are seen to work well with (and within) government is deceptive.

The OIPC called for expressions of interest from 'consultants' to become members of a Panel of Experts in early 2005. These consultants will act as 'enablers' for government activity in communities, facilitate the development of SRAs and RPAs and be part of the 'Community in Crisis' response strategy. These individuals and agencies are the new 'approved' intermediaries, selected from a field of applicants via a public service facilitated tender process. The Government, particularly OIPC, is recruiting 'good' Aboriginal and Torres Strait Islander people to be part of this new intermediary group.

For instance, several of the ATSIC Regional Council Chairs were identified by the Government as 'good people' and may be offered contracts of employment with the Government because of the 'duality' of their legitimacy, a capacity to walk in 'two worlds'. This invitation has not been extended to all of the previous ATSIC Chairs. The expectation is that the 'good Aboriginal leaders' will be able to operate in an ideology encapsulating 'respectability and good citizenship' and be seen to champion the Government's practical reconciliation agenda and relied upon to be effective agents of the government.<sup>89</sup> These people are being identified by the Government, not their peers, as explained by the Minister:

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<sup>87</sup> Vanstone, National Press Club address, see note 36 above, p. 2.

<sup>88</sup> Vanstone, *Bennelong Society Address*, see note 45 above, p. 2.

<sup>89</sup> Personal conversations with ATSIC Regional Council Chairs.



The guiding principle across all this diversity is to show people the respect and dignity they deserve, listen to them, respond to their ideas, acknowledge the contribution they can make and treat them as equal partners.<sup>90</sup>

I believe Indigenous Australians deserve understanding and respect. This would require all of us to learn more about the richness, diversity and strength of Indigenous cultures. We would also understand how hard it is for them to walk in two worlds. When we have that knowledge and that understanding, we would not fail to have deep respect for people who we expect to walk in two worlds.<sup>91</sup>

These statements resonate with those espoused in 1939 when white people only had to lose their colour prejudice and Indigenous people had to restructure their entire world.

Leaders being nurtured by the Government in the current climate have reached a certain 'standard of civilisation' and are able to be the successful examples to which others will need to aspire. These Indigenous leaders will facilitate on behalf and with the Government a personal re-assignment of Indigenous people to making a decision to be strategically white; a phenomenon that not only protects Aboriginal and Torres Strait Islander people from their difference but also creates a sense of belonging and inclusion in a society that has a binary view of distinguishing its members of society; that is, Indigenous people and 'black' migrants; and the homogeneous non-Indigenous group of 'white' people.<sup>92</sup>

Indigeness in this context is an identity constructed, shaped and lived in a newly politicised context where the lifestyles, ideals, ideology, economies, values and aspirations of Indigenous people are being developed and framed by governments, structures and organisations.<sup>93</sup> Governments, through this leadership, have promoted strategies designed to systematically subsume Indigenous existences into its own constitutional system, economy and body politic.<sup>94</sup> By accepting what the Government now terms 'Indigenous', we protect the investments made by people of the primary client group in the new arrangements and, by doing so, allow for our own cultural identity to be viewed through a institutional construct, not of our own making.

Alfred and Corntassel talk of their Canadian experiences of state constructed 'Aboriginalism' and conclude:

Far from reflecting any true history or honest reconciliation with the past or present agreements that form an authentic basis for Indigenous-state relations, this form of government enshrined 'aboriginalism' is a legal, political, and cultural discourse designed to serve an agenda of silent surrender to an inherently unjust relationship at the root of the colonial state itself.<sup>95</sup>

The new Indigenous leadership will no doubt experience the tensions involved with making a difference and being used to make a difference. There will be people who are challenged because of how they identify as Indigenous. It is more likely that the key

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<sup>90</sup> Vanstone, National Press Club address, see note 36, p. 4.

<sup>91</sup> Vanstone, *Bennelong Society Address*, see note 45, p. 2.

<sup>92</sup> See McDermott, see note 65, p. 5.

<sup>93</sup> Alfred, T. and Corntassel, J., *Being Indigenous: Resurgences against Contemporary Colonialism*, draft paper, p. 3.

<sup>94</sup> Alfred, T. and Corntassel, J., see note 93

<sup>95</sup> Alfred, T. and Corntassel, J., see note 93.

players in this era will identify themselves by their political-legal relationship to the state rather than any cultural or social ties to their Indigenous community or culture or homeland. A state constructed Indigenous identity will aim to pull people away from cultural practices and community aspects of 'being Indigenous' toward a political-legal construction as 'Aboriginal' or 'Torres Strait Islander', both of which are representative of what being 'incidentally Indigenous'.<sup>96</sup>

The strategies used to regenerate our communities will be different, depending on whether our Indigenous leaders identify through state based constructs of Indigeneity or invest in being Indigenous through their cultural ties and practices. The dynamic nature involved with being a present day Indigenous person relates to lived experiences, relationships and access to ceremony and country. We need to ensure that these modern day differences account for our lived experiences, provide the methods for maintaining our uniqueness and revitalise an authentic national Indigenous identity.

### **3. The implementation of the COAG Trials**

COAG Trials aim to coordinate services to Indigenous communities through whole of government activity and is a means through which funding and programmatic priorities will be established. The funding mechanisms are SRAs and RPAs where appropriate. Some strategies that the COAG trials employ may have important considerations for Indigenous peoples.

I understand that the COAG Trials attempt to do a number of things:

- Every level of government is involved in every stage of intervention within that community, and that all governments will serve the needs of people provided there is agreement from all levels of government.
- Governments see progress through a 'prism of government service delivery' – rather than understanding that government must retreat and relinquish responsibility in order for there to be a restoration of responsibility in our society.<sup>97</sup>
- The COAG Trials are able to be replicated across the country. In this way, Governments are able to use the experience in one region to predetermine the roles, responsibilities and the methods of engaging with individuals and regional bodies in any region across the country. The replication of Government 'engagement' strategies has been used in the past to control community agendas and stifle local and regional community driven solutions that don't fit within the priorities of a 'practical reconciliation agenda'.
- In some regions, governments can and have decided that they do not require an Indigenous specific regional representative arrangement with which to engage. There has been decisive inaction to develop an Indigenous specific representative structure due to the existence of local government arrangements, shire council arrangements, community governed organisations, and state/national affiliations.
- The COAG Trials provide a basis of regional action so long as there is a match between the aspirations of the community, and the funding capacity of governments who are party to a bi-lateral agreement and the community.

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<sup>96</sup> Alfred and Cornthassel, see note 93, p. 3.

<sup>97</sup> Pearson, N., Major changes to ATSIC are not the answer, statement, 2003.

- The COAG Trials will become a legitimate forum to increase the number and comprehensiveness of SRAs that reinforce the roles and responsibilities of individuals and family groups. There are fewer cohesive linkages between Regional Partnership Agreements, the ATSIC Regional Council Plans, the COAG Trials and the development of Shared Responsibility Agreements through the development and implementation of these Trials.
- The COAG Trial experiences potentially drive the national Indigenous agenda. In some instances, the national Indigenous agenda has been derived from individual views of community people involved in the trials. The Prime Minister has defined the national agenda in indigenous affairs, in the context of a visit to Wadeye in the Northern Territory.

The methods of controlling the evolution of the Government's involvement in community business and controlling a national Indigenous agenda to promote practical reconciliation is a more subtle and less defined role of the COAG Trials.

Two specific COAG Trial sites show how the aspirations of community people have been adopted and reshaped by Government representatives.

### **Example One: Murdi Paaki COAG Trial, New South Wales**

The Murdi Paaki regional governance arrangement has been cited widely as the finest example of a regional governance framework that is consistent with the government's new arrangements for service delivery. The proposal submitted in 2005 by the Chairperson of the Murdi Paaki ATSIC Regional Council to develop a Regional Assembly has the support of both the ATSIC Regional Council and community members, with the Office of Indigenous Policy Coordination supporting its development. The Chairperson, in his submission to Minister Vanstone wrote:

We acknowledge that achieving equitable access for Indigenous people to mainstream services is the highest priority for government in achieving practical outcomes for us. The triple bottom line for achieving better outcomes is:

- Partnerships between Aboriginal and Torres Strait Islander people and government;
- 'Whole of Government' responses coordinated across all jurisdictions and
- Regional governance arrangements to underpin the service delivery framework.<sup>98</sup>

The Murdi Paaki Regional Council has successfully lobbied government to fund the Regional Assembly model and builds on the successes in the region through the work of community people on the Murdi Paaki Regional Housing Corporation Ltd (MPRHCL), the Maari Ma Health Service, Barwon Darling Alliance Incorporated and the Murdi Paaki Regional Enterprise Corporation Limited. All these associations and enterprises have legal frameworks that allow people to practice autonomy and develop governance capacities.

The Murdi Paaki Regional Assembly has advocated strongly for a legislative enactment to give their structure legitimacy and provide a framework for establishing equitable partnerships, negotiations, leadership and accountability and participation in representative governance arrangements. A legislative framework would, in their view,

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<sup>98</sup> Sam Jeffries (Chairperson, Murdi Paaki Regional Council), letter to Minister Vanstone, 18 May 2004.

enable Aboriginal and Torres Strait Islander people to participate fully in determining need, establishing priorities and making decisions on the provision of services and believes that the lack of a legislative framework represents a ‘missing link’ in the service delivery chain.

Murdi Paaki has also identified the benchmark to which they aspire:

Our aspirational goal under the stimulus of the government’s previous approach to greater autonomy has been the establishment of a Regional Authority as a Coordinating policy, funding and service delivery body. The Torres Strait Regional Authority remains the benchmark for Aboriginal and Torres Strait Islander participation in the machinery of government. In the context of the new government policy, we recognise the need, as the TSRA have done, to separate strategic policy direction from the administration of funds. The establishment of Indigenous Coordinating Centres would facilitate similar arrangements in respect of regional entities across the rest of Australia.

Whilst this arrangement is about enhancing service delivery in the region, the Murdi Paaki Regional Assembly has acknowledged that their work effort would be enhanced through the development of a ‘Charter of Governance’ resolving to:

Manage our own affairs, build sustainable communities and determine our own future.<sup>99</sup>

This, they said, would be achieved through developing a strategy for Aboriginal jurisdiction based on self-determination; Aboriginal sovereignty, leadership and recognition; regional autonomy and authority, creating the environment for community governance; community and regional consultations; and developing community and regional charters for Aboriginal jurisdiction. The Charter and governance arrangements ‘...fit community ideals and way of doing business in accordance with Aboriginal tradition.’<sup>100</sup>

In their submission, Murdi Paaki combined the non-tangible aspects of Indigenous rights and responsibilities into the Regional Governance Agreement. They asked the Government to consider developing a legislative base through which the Indigenous people in the region can practice autonomy. To date, the Government has not funded Regional Authorities, or funded any initiative that would provide a legislative foundation on which to base these agreements.

### **Example Two: Wadeye Community, Northern Territory**

The NT government is engaged in reforming the community government element of the local government through the Stronger Regions – Stronger Futures policy, advocating for the establishment of 20 Regional Authorities to replace the 63 community government structures across the Territory. This process involves the voluntary amalgamations of current representative structures.

Wadeye, the largest Indigenous community in the NT, is also a COAG trial site and has been celebrated due to the reintroduction of *Thamarrurr*, a system of community leadership that is based on a traditional governance model, thus allowing:

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<sup>99</sup> Murdi Paaki Charter of Governance for the Regional Assembly, November 2004, p. 3.

<sup>100</sup> Charter of Governance, see note 96.

The Federal and Territory Governments ...to respond in a way that supports what the community has set out to do.<sup>101</sup>

This model is often cited to demonstrate that the Government respects the culture and traditions of Aboriginal people, and that such traditional structures are important replacements of ATSIC, which has been demonised as a non-Indigenous construct.

The population of Wadeye needs an extra 185 houses at a cost of \$36 million dollars.<sup>102</sup> It is claimed that one method of resolving this need is to promote private ownership of land and to build houses with private finance because government have been unable to access sufficient funds to meet community need.<sup>103</sup>

The Prime Minister's brief visit to the Northern Territory in 2005 became a platform for advocating the 'winding back' of Aboriginal land rights by changing the communal basis of traditional land ownership in favour of private ownership rights across the rest of the country.

I believe there is a case for reviewing the whole issue of Aboriginal land title, in the sense of looking toward private recognition... I certainly believe that all Australians should be able to aspire to owning their own home and having their own business.<sup>104</sup>

The Wadeye example is indicative of new methods employed by the Government to raise issues for national consideration. The Prime Minister's comments were linked with community and individual concerns about the housing shortage and were used by the Government to channel the national debate on land tenure; in Indigenous affairs; one that fits with their own views.

Further, it is important to remember that the basis for the Prime Ministers comments was a view expressed by one community member in response to a question about housing needs in the context of a Government sponsored COAG Trial. The comments were also supported by a member if the Government appointed NIC.

Significantly, the Government has engineered a national debate in the absence of a national Indigenous representative voice.

Whilst there are some real achievements that can be attributed to the coordination of government activity through the COAG process, it is difficult to say what is possible to attribute to these strategies in the long term, and whether these actions will produce the hoped for benefits within communities.

In order to demonstrate the value of these interventions, it would be useful for communities and governments alike to make an investment in establishing base line data

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<sup>101</sup> Vanstone, A and Martin, C (Chief Minister of the Northern Territory), Joint Media Release, Wadeye Community Joins Federal Territory Partnership, 19 November 2002, p. 2.

<sup>102</sup> Deputy Executive Officer Dale Seaniger said the community needed 185 houses or a \$36 million investment to solve the immediate housing shortage in the community. *National Indigenous Times*, 31 March 2005.

<sup>103</sup> The Governments have agreed that the key regional priorities for the Wadeye COAG Agreement are women and families; youth, and housing and construction. However, the objectives articulated in this agreement state that: 'In making this Agreement the Governments have agreed to work together to...ensure the provision of better coordinated and more flexible services to meet the needs, as agreed to by the Governments, of the Thamarrurr region..'

<sup>104</sup> Howard, J., quoted in *Northern Times* newspaper, 6 April 2005.

to be measured, and also for communities to consult widely about the 20-30 year vision prior to the COAG interventions in order to measure the quality of the improved coordination of programs.<sup>105</sup>

Without this information, we all need to be wary of what is being promoted as a 'success' through the COAG trials and recognise that when these stories are publicised, they are a narrative in which the Government's agenda and activities are the fundamental reference and assumption, devaluing the Indigenous contribution while imposing a view of the world that is one perspective on the power relationships between individuals and governments.

## **Section C: The New Arrangements: A Way Forward**

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Throughout this paper I have argued that the new reforms in the administration of Indigenous affairs impact more broadly on the aspirations of Indigenous people than on service delivery.

In this section, I try to articulate what these arrangements might mean for Aboriginal and Torres Strait Islander peoples and provide some strategies to consider for positioning ourselves into the future. I attempt to answer the question: What might be the response of Aboriginal and Torres Strait Islander peoples' aspirations for self-determination and how will these new arrangements impact on the Indigenous leadership.

### **Responding to the new arrangements**

There are a number of impetuses to consider in framing how we may respond to these new arrangements in Indigenous affairs. Rightly or wrongly, the framework considerations include:

- The creation of other structures of 'belonging' that reinforce mainstream societal and citizenship values and experiences: like learning, work, sports, that purposefully downplay the importance of cultural identity and related issues;
- The numbers of Indigenous people who live in urban settings, and are adept at participating in the mainstream citizenship framework and do not require support and assistance, and believe the monies should be directed to those less adept (in urban, rural and remote areas) to assist them achieve the same;
- A belief that mobilisation from remote areas and active participation in schools and employment opportunities is an effective long term strategy for Indigenous people to overcome multiple disadvantage, and
- That the new arrangements are advantageous to those who are successful and who have personally benefited from participating in mainstream society while maintaining cultural ties and links to country.

I have constructed a table as a method of mapping the responses I have had from Indigenous people to the new arrangements, and the reasons why they have had the response. These responses are based on a critique of the new arrangements and their consequent acceptance or rejection. These responses clarify the lack of homogeneity in Indigenous people's concerns or appreciation for the new arrangements, and are indicative of the information people have been able to access about the new arrangements.

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<sup>105</sup> In the 2005 Budget, 'Election Commitment Indigenous Measure Five' relates to Indigenous communities developing a twenty to thirty year vision to document community aspirations and identify what is required to reach these goals. There is \$2 million available over 2004-06.

Table One:

<p><b>No critique and Reject</b></p> <ul style="list-style-type: none"> <li>-Practicing autonomy by not participating</li> <li>Did not want to be seen undermining ‘self-determination’, rejection based on political beliefs</li> <li>-Did not want to be referred to as the new ‘black tracker’</li> <li>-Believed in the principles of ATSIC and will not be part of assisting government take over that role</li> <li>-Did not have access to information to review to make an informed decision, rejected on this basis</li> <li>-Waiting to see what happens after the abolition of ATSIC</li> <li>-Did not want to face the community without sufficient understanding and backup from government people about the new arrangements</li> <li>- Tired of the all the changes and want to pull out of Indigenous politics completely.</li> <li>-Believe the new approaches should be fought</li> <li>- Has friends, family, older members of family who have been part of the struggle and who want to follow in their footprints</li> </ul>	<p><b>No critique and accept</b></p> <ul style="list-style-type: none"> <li>-Holding well paying positions within government and believes that their role is to implement the government position</li> <li>-Has a longer term engagement with the COAG Trials and sees the new arrangements as a natural evolution</li> <li>- Has been elevated to positions of status and legitimised by government</li> <li>-Has held representative positions within ATSIC and want to be assured that people are represented into the future</li> <li>-Have been offered positions with government or have gained funding through SRAs</li> <li>-Strengthens the position of individuals in the community, particularly traditional owners, as the people who have the power to converse directly with government</li> <li>-Will accept the status quo however, it is important to be seen as advocates eg. Legislation to underpin regional representation, self-determination, while knowing these requests will not eventuate in the near future</li> <li>-Prepared to negotiate with government for additional resources from a position of sovereign authority</li> </ul>
<p><b>Critique and reject</b></p> <ul style="list-style-type: none"> <li>-Have had presentations from government, accessed public information and have formed opinions that the new arrangements are ‘assimilationist’</li> <li>-Believe that this new period in Indigenous affairs is transitory and undermines Indigenous identity.</li> <li>-Will not subscribe to a ‘practical reconciliation agenda’ but wants to see the entire ‘Reconciliation agenda’ implemented.</li> <li>-Lack of trust in government officials and agendas</li> <li>- Have had a collective long term vision for the future of people in the region that will not be realised in the agreement frameworks of governments and individuals</li> <li>- Sees no role for themselves except as a government ‘lackey’, one who is to smooth over the conflict in a community, making it easier for government to enter into agreements with individuals</li> <li>-Likes what is purported to be possible under the new arrangements however, seriously doubts the ability of the current bureaucrats to deliver</li> </ul>	<p><b>Critique and accept</b></p> <ul style="list-style-type: none"> <li>-A realisation about how many representative structures and people can be brought together through the process of implementing the new arrangements</li> <li>-Belong to organisations who have a role to engage with governments independent of the impact of the government intervention</li> <li>-Wanting to see the benefits of a whole-of-government approach in a community</li> <li>-Believes ‘mutual obligation’ and ‘shared responsibility’ will have an impact on Indigenous disadvantage</li> <li>-Agrees with Noel Pearson and his comments about passive welfare and wants to trial them in their community</li> <li>-Not agreeing with everything in the new arrangements however, will accept them in part to implement what is required for the benefit of their own family</li> <li>-Believing that this is an ‘opportunity to strike while the iron is hot’ and that the new arrangements will engender the integration in society that government officials espouse</li> <li>- Wants for themselves and their children to be accepted as ‘the same as everybody else’</li> </ul>

In nominating the ways in which individuals and organisations can respond, I have grounded these assertions in the perceived and real benefits that Indigenous people can take from these new arrangements to take charge of our position into the future.

The individuals who will benefit from engaging with the new arrangements, particularly in SRAs, are those who can:

- demonstrate their ‘belonging to’ a remote area community;
- negotiate and have the capacity to engage an individual or family;
- sign a legal document or a funding agreement;
- be responsible for the consequences of not following through with what is proposed in a SRA;
- communicate what should be contained in an SRA;
- develop a vision for the future, and
- have the discipline to engage with institutions and follow this through.

Urban based Indigenous organisations will only benefit if they:

- provide additional services that cannot be delivered through mainstream organisations;
- promote their services, not their advocacy role;
- are able to access discretionary Indigenous specific monies from the Government to provide services to people living in urban settings; and
- assert the need for organisations to enter into agreements.

Indigenous organisations may need to:

- ‘play down’ the assertion that they are working for the benefit of Aboriginal and Torres Strait Islander people as the Government does not want to engage with representative, political organisations;
- find other local and regional organisations to enter into a RPA with, in that way, guaranteeing a continuing conversation with Government independent of people and personalities involved;
- identify additional roles and responsibilities outside of mainstream services;
- develop coalitions with a range of service providers;
- understand the legislative framework in which they operate and seek to understand the impact of any changes to the legislation, and prepare for this; and
- adhere to excellent governance standards.

The Government has asserted the old style of ‘Australian liberalism’ that assumes that the existing structures are adequate, the way they need to improve is to become less discriminatory and more inclusive, and that Indigenous people across the country are obligated to utilise these services as a demonstration of a shared responsibility.

The ‘equal’ partnerships with governments assert the role of Indigenous people as ‘clients’ of those services, where Indigenous people are only funded to participate in deliberations that enhance service delivery in the regions. The Indigenous people who participate in such partnerships will only be able to identify people in their community as those requiring services, those who can legitimise government intervention as credible service providers and those who have leadership potential in a government funded 20-30 year vision for the community.

Those Indigenous people who do not require special services and interventions are considered by governments to be Indigenous societal ‘contributors’ and ‘role models’ for others in the community.

As I argued previously, a trajectory will develop in communities upon which all Indigenous people will be placed within categories describing Indigenous people’s roles in society as either a ‘client’, ‘competent’, or as a ‘contributor’.



There are clear rewards for those who participate in developing capacity and who become accepted into mainstream society, either through becoming a program beneficiary or becoming a person that no longer requires discretionary monies to 'be improved' and has become a 'fit citizen' for modern Australian society.

These considerations are based on ideologies of respectability and good citizenship and that our attainment of these is best managed in urban areas where a large number of Aboriginal and Torres Strait Islander people already reside. I have provided a historical policy perspective that shows these 'new arrangements' are a replication of the 'New Deal' announced in 1939 and its subsequent development in the 1940s and 1950s assimilation policies; and that there are similarities between what is desired by the Commonwealth Government both then and now.

Indigenous people have for many years had to demonstrate our 'fitness' for citizenship. This aspiration is entrenched in hegemony of western colonial practices with respect to citizenship, participation and economic development practices that deny Indigeneity.<sup>106</sup> Our entry will be facilitated by educational achievement and advancement, the pursuit of which is one of the largest mobilisation strategies from remote to urban areas in recent years.

It has been claimed that people in communities are trapped because they have no education and the economy of the area is a long way short of supporting the current population. More than \$500 million dollars has been made available in the budget to support young people to mobilise from remote areas to private boarding schools. The imperatives to send children are economic in a two fold sense: governments cannot invest in the infrastructure requirements of a remote community into the future; and governments want to facilitate young people to become tax contributors, not tax consumers in their adult years.

Upon achieving the rank of contributor, Indigenous people will be recognised as good operators by mainstream society, able to walk in two worlds. They will embrace a leadership in the new arrangements that will not espouse the symbolic aspirations of community people, but assist the government achieve outcomes and results with discretionary funding and legitimise government intent in a region. Contributors will champion the Government's practical reconciliation agenda and be relied upon to be effective agents of government. They will quell conflict prior to government engagement with a community. These people are being identified by government, not their peers, to promote the range of services available for a community, and facilitate the improvement of government services through right action, right representation and right engagement. The Government has determined the right methods. This can be clearly seen in regional representation and SRA development across the country.

These overtly institutionalised relationships forge pathways for individual recognition and acceptance demonstrating a commitment by government to individual liberty and individuality, and a devaluing of dissenting individuals and organisations. The way in which our disadvantage will be alleviated is through these relationships with government, a focus on service provision to overcome our 'disadvantage' and a commitment to the new agreements rather than with each other.

The new competition for resources will be among:

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<sup>106</sup> Kinnane, S., 'Indigenous sustainability: Rights, Obligations and a Collective Commitment to Country', in Castellino, J. and Walsh, N. (eds.) *International Law and Indigenous Peoples*, Martinus Nijhoff, Boston, 2005.

- Aboriginal and Torres Strait Islander groups living in the Islands and on the mainland, particularly about issues of representation through a Regional Authority;
- mainstream and other (community controlled) service providers;
- clients, competent and dissenting individuals whilst contributing individuals are those that generate their own resources;
- those residing in urban and those residing in rural and remote communities;
- those ‘real’ [and disadvantaged] Aboriginal people in remote communities and those who ‘simply identify as Aboriginal or Torres Strait Islander’;
- representative groups that promote symbolic aspirations, and those that implement the practical reconciliation agenda;
- those that have access to culture, land and those that have suffered ruination;
- addicts and non-addicts who can and do ‘get to work’; and
- those who can access school outside of the community and those who cannot.

It is these issues that are inherent in the current policy framework. Whilst it is desirous for many Indigenous people to ‘fit into modern society’, we must be able to maintain the importance of culture, language, identity, relationships with extended family, land, our social and political will, our separateness, our difference and uniqueness. We need to be able to identify methods by which we can practice our autonomy, self-determination and shape our citizenship considerations both now and into the future.

This will assist us, Indigenous people in Australia, to overcome the state driven redefinition of Indigeneity from an autonomous people to cultural and political identities devoid of authentic history whose fitness for modern Australian society depends upon our capacity to be integrated into the colonial, corporate, globalised culture.

I endorse the views of Alfred and Corntassel, that:

There are approximately 350 million Indigenous peoples situated in some 70 countries around the world. All of these people confront the daily realities of having their lands, cultures, and governmental authorities simultaneously attacked, denied, and reconstructed by colonial societies and states. This has been the case for generations....attempting to strip Indigenous peoples of their very spirit as nations and of all that is held sacred, threatening the sources of connection to their distinct existences and the sources of their spiritual power: relationships to each other, communities, homelands, ceremonial life, languages, histories...These connections are crucial to living a meaningful life for any human being.<sup>107</sup>

The challenge of being Indigenous at a time when we are asked to become fit for modern Australian society by conceding our Indigeneity is to remain grounded in Indigenous community goals that contribute to a process of regeneration within those communities, rather than furthering our power imbalanced relationships with the very institutions that we set out to challenge.

### **Five strategies for consideration by the Indigenous leadership**

I have designed five strategies that are built on a dynamic, evolving and interconnected concept of Indigenous identity that can change, develop and assist the decolonisation and regeneration of our communities. These strategies may be useful to consider in the

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<sup>107</sup> Alfred and Corntassel, see note 93, p. 3.

development of the 20-30 year plans in which the Government has invested \$2 million over 2005 – 09.

### *Strategy 1: Understanding Citizenship*

First, we need to determine where we ‘fit’ in modern Australian society. Our citizenship should not be beholden to, or developed by our lack of strategic engagement with each other about our future. Our decisions about our citizenship should not be made by reacting to the funding decisions of governments who serve their own interests and who lack local knowledge.

We need to reinvest in a vision for ourselves as ‘citizens’ within our own communities, not merely ‘citizens’ within modern Australia, and promote citizenship that does not maintain the ‘strategic white fantasy’ of non-Indigenous Australians.

One of the tasks of self-determination that was not adequately attended to by our Indigenous leadership was to ensure all people had an opportunity to discuss and participate in Indigenous citizenship. These citizenship ideals need to be built up from discussions that articulate the aspirations with each generation and assist them to facilitate the development of long term plans. These plans should incorporate ideas from both men and women, and all age groups about what our community does, can, should and will look like; so they can see their ‘place’, not only in Australia but in Asia, and the world. Questions that could be used to facilitate this understanding include:

- What kind of society do we hope to have in fifty years from now?
- What do we want to preserve about our society, who/what in our communities are/is worth protecting? How?
- What do we want to change?
- What price are we willing to pay for development, what price are we unwilling to pay?

Understanding and supporting our engagement with citizenship issues will reposition Aboriginal and Torres Strait Islander people for a future of our choice not one that is engineered for us.

### *Strategy 2: Developing harmonious societies*

Having had the opportunity to define citizenship ideals, we can then characterise the type of society in which these ideals can be achieved. Citizenship is best delivered through harmonious societies in which there is a balance between economic, social and environmental concerns.

#### Creating positive infrastructure in communities

I have spoken about positive infrastructure for some time.<sup>108</sup> I have long been concerned about government funded ‘problem solving’ infrastructure in communities: if there is a crime problem, then the community gets a detention centre; if there is a domestic violence problem, the community gets a women’s shelter; if there is a petrol sniffing problem, the community gets a petrol sniffing program.

Interventions are usually limited to the ‘big’ problems that bring prestige and acknowledgement for governments and others who intervene in community life. For this reason, communities have been plagued with interventions characterised by short term fixes rather than those that underpin long term plans that structure a civic society.

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<sup>108</sup> Arabena, K., Public Health Association Keynote Address, Canberra Convention Centre, 2000.

If community people suffer from diabetes, then where are the walking paths, which are safely lit at night so people can walk when it is not hot? If children have low literacy, where are the libraries? If people have a problem with head lice, then where is the hairdresser where you can go and get a treatment, a colour and a haircut at the same time? If children are bored where are the playgrounds? Are there coffee shops as alternatives to taverns? Are there laundromats and clothes lines? Positive infrastructure is a method of reinforcing positive societal values and is an important description of a person's value in a community. When community people develop their 20-30 year plans, it is critical to include positive societal infrastructure.

#### The Removal of negative infrastructure

The removal of negative infrastructure is just as important as highlighting positive infrastructure. If for instance, young children have been raped in a public toilet block near an oval, get rid of the toilet block. If there are ropes hanging in the tree from which lives have been lost, get rid of them, take them down. If there are old rubbish houses that no one can live in anymore, bulldoze the area clean and make it the place for a market garden. Changing the landscape by removing negative infrastructure will be important transformation for people living in any community.

#### Developing civil society organisations

Civil society organisations structure a civil society, often arising out of personal experience, a desire for change, or a need to advocate for those who have less power in our societies. The development of these organisations is not linear, not funded and are sometimes influenced by political or economic factors that are not in the public domain. A number of communities have given rise to civil society organisations.

For instance, Yarrabah community in north Queensland has developed a men's group to work with men who are both perpetrators and victims of harm in the community and have successfully reduced male suicide. A group of women in Broome have started a support group for victims of sexual abuse, and in Canberra, I have become part of a multicultural mothers group called 'Women for Financial Freedom', predominantly to learn financial literacy.

The SRAs and RPAs to the contrary are about forming albeit unequal reciprocal relationships with the state, with the governments, and do not reinvigorate relationships between individuals in communities. All of our relationships under the new arrangements are about developing relationships with institutions, not with each other. Civil society organisations are an important and often overlooked way of achieving social cohesion. The development of these organisations should be discussed and encouraged where possible.

#### *Strategy 3: Reworking 'governance' in the new context.*

The complexities of our new circumstances are not yet fully understood, neither are the new governance processes that are necessary to manage the status quo, or to bring about positive societal change and promote Indigenous leadership across all generations.

Steven Cornell offers some questions to guide future considerations for Indigenous peoples:

- Do we need to consider the introduction of self-governance as more than administrative control and financial accountability to regaining control over decision making?

- Do we understand what governance practices should aim to achieve in the new arrangements? Is governance about the effective administration of public monies, or about developing a traditional model of governance, or actualising self-determination?
- Do we know the tools of governance? Have we discussed the implications of federal laws and the new policy implementation tools of the government, the constitutions of community based organisations, the 20 – 30 year vision and agreed to goals of that community, organisational charts, a leader’s annual agenda or strategic plan, policy and procedures manuals and minutes of meetings? These tools will assist in understanding the rights and responsibilities of community members and leaders alike, and assist in the resolution of crisis, to take action and aid participation in decision making to improve the interests of the community.
- Do we need to consider developing a leadership body for the community in which we live, separate to other structures in communities? A Leadership body is one in which leaders pursue skills development in their area of interest. This may arise from participation in a sporting team, or a civil society organisation; or a person is chosen by their community to have influence and input to issues on their behalf.

In these ways, individuals develop skills and processes that are essential to good governance, and young, inexperienced leaders are mentored within a defined peer group developing a range of complementary skills with which to do its job while complementing the requirement from government to have a ‘pervasive style of leadership’ in the domestic sense.<sup>109</sup>

This is difficult in an era when an agreement with government is a necessary engagement strategy. Reworking our governance requirements may need to occur informally, separate to government and independent of their funding.

*Strategy 4: Review our participation in mainstream economies*

Our leadership could review a range of ‘economies’ from around the world, learn from other Indigenous peoples and decide how we want to develop those economies within our communities, or decide how we will participate in the mainstream economy of this country. This economic foundation, if it is to alleviate suffering, should not cause more suffering into the future. I feel trepidation about being involved in an economy that would tear down the last tree in order to render a profit from it, just as I feel sickened by corporations moulding my 13 year old daughter to want ‘debt’ with mobile phone ring tones.

There are a range of economies that have social and eco-system considerations that could be developed within our communities: the ‘natural project’ (eco-system economics), entrepreneurial activities that do not require capital and can be managed through network capacities (Nutrimetrics, Tupperware); barter economies; communes; village industries; and other sources of economic activity that are about to be outsourced by multinational corporations to developing countries. For instance, the National Australia Bank is tendering out their ‘Call Centres’ to Bangladesh when maybe they could be working with our communities in Australia, or making arrangements with us on such matters.

Participation in an economy should be a conscious consideration, not one that is engineered for us. We need to understand the entire scope of economic opportunities that

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<sup>109</sup> Cornell, S., The Nature of Indigenous Governance, speech, Indigenous Governance Conference, Canberra, April 2002, p. 6.

are available to us that facilitate Indigenous citizenship, promote societal cohesion and match our governance capacities.

We should then determine which education system will assist in the delivery of these economies, and for those living in remote areas, which economies mean we do not need to move off country so we can maintain our traditional lands in line with the expressed wishes of people from that place. Participation in an education system that promotes social exclusion, constantly checks your competence, disregards or is overtly punishing can be detrimental to the needs of Indigenous children.

At the 2005 Native Title Conference in Coffs Harbour, I met a traditional owner who was about to have his land returned and he wanted to know 'what to do with it'. There is international experience to draw on to develop strategies for communal Indigenous land, some modest, and others more radical and long term.

We need to insist on making local banking and financial planning services available that will progress the options that communities want to explore to stay on country. Knowledge about the options can and should be developed and shared between regions.

At the national level, the Indigenous leadership could explore new ecological economies that would assist people stay on country. For instance, if the Government signed the Kyoto agreement to reduce greenhouse gas emissions, then Indigenous peoples could offset communal land and receive payment from this or other countries for retaining the country in its non-gas emitting state. Governments could explore other options such as offering guarantees, tax breaks and other incentives for private investment.<sup>110</sup>

Options for engagement in a 'real economy' can occur within rural and remote Australia. If the new arrangements in Indigenous affairs are able to promote 'creativity, sensitivity and innovation through equal partnerships' then these partnerships can and should deliver the capacity for people to become taxpayers on traditional country. This is the test for the 'practical' reconciliation agenda.

#### *Strategy 5: Become 'strategic clients'*

The Government has resolved that the method to alleviate our disadvantage is through improved access to services, reinforcing their requirement for us to become excellent 'Indigenous clients' that partner with governments through Shared Responsibility Agreements.

The term 'client' is a political one that has been developed by service delivery agencies that perpetuate Aboriginal and Torres Strait Islander people as a problematic people, who have an overwhelming number of problems that need to be solved by someone else who has the skills and capability to do so. In this context, the use of the term 'client' is demeaning.

Nevertheless, in our planning we need to consider how to become strategic 'clients', not necessarily just of the government provided services, but of our own civic services as well. We should develop services that meet our own civic requirements:

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<sup>110</sup> Other entrepreneurial activities that demonstrate how governments can more effectively support achieving economic independence for Indigenous communities on communally owned Indigenous land are available on the Centre for Aboriginal Economic Policy Research website.

- Ensure a service and support system exists within our society and operates effectively to assist those in need. For instance, in remote locations it is often difficult for people to access services that assist them address issues relating to substance abuse, with drug and alcohol treatment and rehabilitation services up to 1000 kms away. Localising these ‘essential services’ could be included in SRAs and RPAs.
- Support people as they fulfil their obligations to pursue opportunities that will enable them to become less reliant on ‘services’ and more self-sufficient. For example, as part of a family based SRA, people who had an addiction problem attend the drug and alcohol treatment and rehabilitation service and attend the newly formed ‘Alcoholics Anonymous’ group.
- Advocate on behalf of those in the community who are most vulnerable and least able to obtain support from services on their own. For example, support a 12 year old girl who is a sexually abused petrol sniffer that does not want to sniff anymore; to access the drug and alcohol treatment and rehabilitation service and any other support she requires.

It would also be of benefit to consider being ‘strategic clients’ of government services: when to use services, how to maximise benefits from these services, and how to ensure these services operate in the best interests of the community. Learning ‘when’ and ‘how’ to use services are strategies that could form part of the service and support system that facilitate the development of our society through these new arrangements.

We need to know how to ensure quality service provision occurs, particularly in services that are lacking, or not operating in the best way for our society.

One method community people could use is the power of ‘complaint’. In each State and Territory, there are ‘Complaint Commissions’ that will adjudicate in instances where service providers have not fulfilled their obligations to clients/users. Indigenous people should familiarise themselves with, establish, develop information brochures about and utilise Complaints Commissions to assert what services should be provided to support our positive societal development.

Becoming strategic clients will assist services become an asset, something that is highly valued, necessary and intrinsic to the wellbeing of people who participate in the creation of a regenerated society. Becoming a strategic client will transform services from addressing problems to being fundamental to progressing Indigenous citizenship and re-constructing our societies.

On the whole, responding to the Government’s approach is important. I have set out to demonstrate that the implementation of the new arrangements has seen Indigenous people marginalised from having any role in setting the priorities or agenda in Indigenous affairs. This has been achieved, dishonestly, under the guise of ‘partnership and agreement making’. It would also appear that the efforts of the Government over the past twelve months have been directed toward the goal of cementing this reductive role in place.

The experience of surviving the determined acts of government to extinguish our heritage sets us apart as Indigenous people in this country. Having to now engage with governments to validate their expenditure, interventions, programs and services, I believe will have limited benefits for individuals and give little relief for communities.

I have outlined some strategies to assist people negotiate the use of resources offered through the new arrangements to instigate a process to describe who we are, how we want to live, and what will be important to us. There is no neat model to regenerate our communities, nor is there a pathway mapped out for people to make their move toward living authentic Indigenous lives.

There will be individual, family, clan, local, community, organisational, regional, State based, national and international responses to begin the process of regeneration, to overcome what has been the legacy of government involvement in Indigenous lives. What is important to remember is our truth, our values, vision and our way forward should be supported by any funding agency or program to progress what it is that we want to achieve next.

## **CONCLUSION**

This paper has been an exploration as to whether there is a capacity within the Government policy agenda to recognise and accommodate the diversity which makes up our community. I have argued that the reforms in the administration of Indigenous affairs impacts more broadly on the aspirations of Indigenous people across the country than service delivery. I have outlined the policy evolution and background to the new arrangements and provided an overview of the contentions expressed by Aboriginal leaders and their inclusion to the new policy frameworks.

I have attempted to articulate what the new arrangements might mean for Aboriginal and Torres Strait Islander people and provided some strategies for us to position ourselves into the future as one small way of being drawn into a 'modern' future that is driven by non Indigenous people. I am interested in who is defining 'modernity', what this might mean, and what the experience of 'modernity' might represent, and why it remains so resolutely 'white', given the multiculturalism of our contemporary Australian society.

Citizenship is not a guiltless condition in Australia, certainly not one that Aboriginal and Torres Strait Islander people take for granted. And yet, it is by the many standards of judgement in the resolutely white construct of 'modern citizenship' that we continue to be measured; and our flaws appear to be many. Our 'aspirations for the recognition of our difference' do not conform to the Australian standards of civilised conduct. We are homogenously described as having insufficient capability to manage our affairs, yet we seek from the Government an acknowledgement for a certain multiplicity that cannot be accommodated within 'modern structures' and we demand legislation through which to articulate the restoration of past injustice.

Governments seldom produce the social changes they predict for Indigenous people; the interactions of our social lives are far too complex for that. Actions such as those implemented in the new arrangements bar the way to freer association among all members of the nation. The slogan of 'tuition before equality' has been used by many generations of public administrators, as has the promise of reward and admission to the full exercise of membership in the white community.

As inescapable an imperative as globalisation appears to be, it is no reason for us to reduce our cultural capacities, our knowledges and our experiences to 'extraneous baggage' that has no place, or in fact is not desirable in modern Australian society. The very voices through which we express our 'uniqueness', and our history, and our place in modern Australian society are being silenced. These voices are those that accentuate our difference, our desires to maintain that difference and the contributions that we and many others of 'difference' have made, are making and are yet to make to our country.



We need Indigenous people to engage with each other to develop social cohesion and civic obligation within our communities and to strategically reconstruct our Indigeneity based on our heritage, not on a state constructed political identity.

If this were to be achieved, we will have to deal with the assumption of the politicians and administrators that the people for whose welfare they plan are reacting to their current plans; and that the recent re-orientation of policy, such as has been proclaimed in Australia, operates in some type of historical vacuum.

No adequate assessment of our predicament can be made so long as the historical dimension is lacking. It is the absence of information on background which has made it easy for intelligent people in each successive generation to accept the stereotype of an 'incompetent group'. The new arrangements in Indigenous affairs promote the equal sharing of responsibility; the equal sharing of power and the equal sharing of blame for our predicament with Aboriginal and Torres Strait Islander people. I believe that the real problem lies with whether this Government is able to treat diverse cultures as equal; without being made the same within the modern Australian society.

## BIBLIOGRAPHY

---

Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2005*, Human Rights and Equal Opportunity Commission, Sydney 2005.

Aboriginal and Torres Strait Islander Social Justice Commissioner, Plenary Address, Native Title Conference, Coffs Harbour, 3 June 2005.

Aldrich, R., Zwi, A., Short, S., 'Advance Australia Fair: Social Democratic and conservative politicians' discourse concerning Aboriginal and Torres Strait Islander Peoples and their health 1972 – 2001', unpublished paper. Email for correspondence [rosemary.aldrich@newcastle.edu.au](mailto:rosemary.aldrich@newcastle.edu.au)

Alfred, T., and Corntassel, J., 'Being Indigenous: Resurgences against contemporary Colonialism', draft paper accepted for publication in *Government and Opposition*, Blackwell Publishing, 2005.

Anderson, Alison, (previous ATSIC Commissioner) *Proof Committee Hansard*, Senate Committee on the Administration of Indigenous Affairs, Alice Springs, 20 July 2004, p. 48.

Arabena, K., Australian Public Health Association 32<sup>nd</sup> Annual Conference Public Health Futures *Key Note Address; Health Promotion in Remote Communities* Canberra Convention Centre 26-29 November. 2000

'Australia Talks Back', Radio National Program Transcript 6.10pm 04 April 2005

Australian Parliamentary Debates, House of Representatives, 2 June 2004, p. 29858.

*The Australian*, 'Budget Brief', 11 May 2005

*The Australian* article 'Black teens told: leave lands for work', 23 April 2005.

Beckett, J. 1988. Aboriginality, citizenship and the nation state. In *Aborigines and the state in Australia*, ed J. Beckett. *Social Analysis* 24: 3 -18

Commonwealth Government, Budget 2005 Election Commitments Indigenous Measures. 2005

Council of Australian Governments, *COAG Communiqué* 25 June 2004 <http://www.coag.gov.au>

Commonwealth Grants Commission, *Report on Indigenous Funding* CGC, Canberra 2001

Cornell, S., *The Nature of Indigenous Governance*, speech, Indigenous Governance Conference, Canberra 3-5 April 2002.

Council for Aboriginal Reconciliation, *Australian declaration toward reconciliation*, Sydney 27 May 2000.

Council of Australian Governments *Communiqué*, 25 June 2004, Attachment B, available on line at: [www.coag.gov.au/meetings/250604/index.htm](http://www.coag.gov.au/meetings/250604/index.htm).

Department of Prime Minister and Cabinet, *Connecting Government: Whole of government responses to Australia's priority challenges*, Canberra, 2004.

Dodson, M., Senate Committee on the Administration of Indigenous Affairs, Inquiry into the administration of Indigenous Affairs, hearing on 3 February 2005.

Geoff Gray, 'From Nomadism to Citizenship: A P Elkin and Aboriginal Advancement', in Peterson, N. and Sanders, W. (eds.) *Citizenship and Indigenous Australians: Changing Conceptions and Possibilities*, Cambridge University Press, Melbourne, 1998.

Hage, G. and Couch, R. (eds) *The future of Australian Multiculturalism, Reflections on the Twentieth Anniversary of Jean Martin's the Migrant Presence*, RIHSS, University of Sydney

Hannaford, J., Collins, B., and Huggins, *Review of the Aboriginal and Torres Strait Islander Commission Public Discussion Paper*, June 2003.

Helliwell, Christine and Hindess, Barry, 'The 'Empire of Uniformity' and the Government of Subject Peoples' in *Government, Social Science and the Concept of Society* Australian Research Council, 2002.

Hindess, B., 'The Liberal Government of Unfreedom', in *Alternatives*, 26, 2001)

Howard, J., Letter from the Prime Minister to all Premiers and Chief Ministers, 10 April 2004.

Howard, J., transcript of the Australia Day Flag Raising ceremony, Commonwealth Park Canberra 26 January 2005

Howard, J., quoted in *Northern Times* newspaper 6 April 2005.

Huggins, J., Co-Chair of Reconciliation Australia, to the Senate Committee on the Administration of Indigenous Affairs, Canberra 18 Feb 2005, p. 1.

Human Rights and Equal Opportunity Commission, Bringing them home Education Module, *RECONCILIATION*, 2003.

Indigenous Communities Coordination Taskforce, *Imagine what could happen if we worked together: Shared Responsibility and a Whole of Government Approach*, Conference Paper, Native Title Conference, Alice Springs, June 2003.

Jefferies, S., Letter to Senator Amanda Vanstone, Minister for Immigration, Multicultural and Indigenous Affairs, Parliament House, Canberra about the Murdi Paaki Regional Council. 18 May 2004.

Murdi Paaki Regional Assembly Charter of Governance November 2004.

Kinnane, S., 'Indigenous sustainability: Rights, Obligations and a Collective Commitment to Country' in *International Law and Indigenous Peoples*, the Raoul Wallenberg Institute Human Rights Library Volume 20, Martinus Nijhoff Publishers, Boston 2005.

Liberal and National Parties, *Indigenous Australians – Opportunity and Responsibility*, Election Policy 2004.

Malin, M., 'Is schooling good for Aboriginal children's health?' Cooperative Research Centre for Aboriginal and Tropical Health and Northern Territory University Occasional Paper Series, Issue No 8, 2003

McDermott D., *Ghassan's Gran and My Mother: strategic Whiteness among Aboriginal Australian and immigrant 'others'*, Faculty of Medicine, UNSW, Sydney, NSW, Australia. 2001.

Meade, L.M. (ed), *The new paternalism: Supervisory approaches to poverty*. Sage Publications, Washington, 1997.

Murdi Paaki Charter of Governance for the Regional Assembly, November 2004.

National Missions Council, 'A national Policy for the Protection, Education, Health and Better Government for the Aborigines', Quoted in Elkin 1944:15 and referenced in Gray 1998:61

National Indigenous Times, *Wadeye article - Deputy Executive Officer Dale Seaniger said the community needed 185 houses or a \$36 million investment to solve the immediate housing shortage in the community*. 31 March 2005

Northern Territory Government, Media Release: *The "No School, No Pool" program is to be rolled out across 10 communities in the Territory*. [www.nt.gov.au](http://www.nt.gov.au) 19 April 2004

Northern Times Newspaper 6 April 2004 Comments from the Prime Minister about the Wadeye Community 'Land Rights Under Threat', [www.antar.org.au](http://www.antar.org.au)

Office of Indigenous Policy Coordination, *New Arrangements in Indigenous Affairs*, Canberra, August 2004.

Office of Indigenous Policy Coordination, *New Arrangements in Indigenous affairs: Information for Indigenous communities and organisations, Information Brochure*, Canberra, 2005.

Pearson, N., *The Right to Take Responsibility*, Cairns, Queensland, 2000.

Pearson 2003 'Major changes to ATSIC are not the answer' Statement, 2003.

Personal notes ATSIC Regional Council Chairs public meeting, Rydges Lakeside, Canberra, 12 April 2005.

Ridgeway, A., Addressing the economic exclusion of Indigenous Australians through native title, Mabo Lecture, Native Title Conference, Coffs Harbour, 3 June 2005.

Rowley, C.D 1970 *The Destruction of Aboriginal Society Aboriginal Policy and Practice – Volume 1*, Australian National University Press, Canberra.

Seaniger, D., 'Housing needs in Wadeye', article in *National Indigenous Times* newspaper 31 March 2005.

Senate Committee Report on the Administration of Indigenous Affairs *After ATSIC – Life in the Mainstream?* Parliament House, Canberra, March 2005.

Shergold, P., (Secretary, Department of the Prime Minister and Cabinet) *Connecting Government – Whole of Government responses to Australia's priority Challenges*, Speech, Canberra 20 April 2004.

Taylor, John and Stanley, Owen March 2005 "The Opportunity Costs of the Status Quo in the Thamarrurr Region" Centre for Aboriginal Economic and Policy Research, The Australian National University, Canberra.

Vanstone, A., Address to the National Press Club, 23 February 2005.

Vanstone, A., Australian Government Changes to Indigenous Affairs services commences tomorrow, press release, 30 June 2004.

Vanstone, A., New Service Delivery Arrangements for Indigenous Affairs. Media Statement 15 April 2004.

Vanstone, A., Opening Address, Bennelong Society, Sydney 4 September 2004.

Vanstone, A., '*Passive Welfare – Killing them Softly?*' Center of Full Employment and Equity Conference Paper. University of Newcastle. 21 July 2003

Vanstone, A., Statement by Minister to ATSIC Regional Councils, 14 July 2004.

Vanstone, A., and Martin, C., 'Wadeye Community Joins Federal Territory Partnership' Joint Media Statement 19 November 2002.