

Towards the Sustainability of our Indigenous Communities

Presented to the

**State Sustainability Strategy: Focus on the Future:
Opportunities for Sustainability in Western Australia.**

by

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Introduction

The Department of Indigenous Affairs commends the Social Sustainability Unit for its vision to establish an agreed State Sustainability Strategy for Western Australia (WA).

We support the intention to include perspectives of Indigenous Groups to question how we can “achieve and simultaneously address the needs and rights of Aboriginal peoples in Western Australia.”

One of the major recurring themes to come out of research and discussion with communities has been that the communities themselves see their lack of involvement in the decision making as a direct cause for the lack of progress in closing the disparity and addressing disadvantage experienced by Indigenous individuals, families and their communities.

The National and State commitments to reconciliation recognise and highlight the need for Indigenous people to be participants in decision making that will affect their lives, heritage, culture and lands.

Such a community participatory approach to development is more likely to deliver sustainable outcomes because a sense of ownership of the goals and decisions has been created. If undertaken at the broader regional level, actions and decisions are more likely to be supported by government agencies, the private sector and communities.

The Department of Indigenous Affairs (DIA) is progressing a number of initiatives to promote a more sustainable development of Aboriginal communities. The department endorses the reference made in the Consultation Paper to the development of ‘partnerships’ with Indigenous organisations. It sees this as an activity consistent with the Statement of Commitment to a New and Just Relationship between the government of Western Australia and Aboriginal Western Australians.¹

It is crucial the public consultation process allows for issues to be raised with, and by, the Indigenous Community as well as by the academic and public service sectors. DIA supports a process of consultation that includes a broad and diverse cross section of the Indigenous community, business and not-for-profit organisations.

¹ *Statement of Commitment to a New and Just Relationship between the Government of Western Australia and Aboriginal Western Australians*. October 2001.

Background

Aboriginal society, in the course of history, has shown incredible resilience and is one of the keys to future success in dealing with problems of social disorder. Violence, drugs and sexual abuse are not just symptoms but deep seated and complex problems that influence the downward spiral of many Aboriginal communities and families.

Despite these problems, the provision of a healthy and safe environment in Aboriginal communities, and the development of the potential of Indigenous Western Australians, has historically been construed as a welfare issue rather than as an investment in the future of the State. This has lessened the imperative for action and created a tendency to provide for fundamental human needs on a peripheral or "funds-permitting" basis rather than as a central element of government expenditure planning.

The history of the relationship between the mainstream and Indigenous communities in WA has been characterised by ad hoc development with little consideration of long-term sustainability in terms of heritage, culture, governance, standards, appropriate technology, asset maintenance and skills transfer.

Mainstream State and Local Government, health, planning and building approval processes have historically not been applied. In the absence of external scrutiny, building and infrastructure standards have been sacrificed to budget imperatives leading to premature breakdown of infrastructure, inappropriate design and materials or insufficient capacity to handle demands placed on services.

Government infrastructure programs have tended to focus on capital works with inadequate consideration of recurrent maintenance costs and on the development of the skills and abilities required at the local level to effectively utilise assets and to sustain adequate service delivery.

In addition, communities are generally economically depressed and are dependent upon government grants and Centrelink or Community Development Employment Program (CDEP) payments with few opportunities for meaningful employment or non-welfare sources of income. Current funding arrangements do little to promote economic development and there are few incentives to break the cycle of grants and welfare dependence.

Basic services taken for granted in non-Aboriginal settlements such as those provided by local governments and police are non-existent or greatly reduced in Aboriginal communities despite high relative need.

The result of these inequities has been the deterioration of the physical and social environment in which many Aboriginal people live and ever increasing pressure on health, hospital, and welfare and justice service. The Independent Commission into State Government Finances commissioned by the Court Government estimated that substandard services to Aboriginal people effectively costs the State Government \$344 million per annum in increased expenditure on police, corrective services, health and welfare. The trend predicted this cost will rise to \$485 million by 2006.

Issues

Indigenous concepts of territory, property and tenure, resource management and ecological knowledge may differ greatly from those of mainstream Australia but they are no less entitled to respect. In fact they are the value needing to be added to the collective wisdom about the way forward.

Human beings are born with the inherent freedom to discover who and what they are. For many Aboriginal people, this is perhaps the most basic definition of sovereignty, which finds its natural expression in the principle of self-determination. Self-determination is the power of choice in action.

To Indigenous peoples land is not merely a commodity; it is an inextricable part of Aboriginal identity, deeply rooted in moral and spiritual values.

Historically, Aboriginal people have not benefited from the economic development of their land. Pastoral, mining and tourism activities have created jobs and wealth for WA, however, the traditional owners of these resources have either been actively excluded from participation or have been unable to benefit due to lack of knowledge and understanding of mainstream processes with which they simply must comply.

As a result there has often been an inverse relationship between the economic development of a locality and social and economic well being of the local Aboriginal community. The creations of mining towns and high impact developments have led to a loss of access to land for economic and cultural activities, culminating in negative social impacts, further marginalisation and despair.

Indigenous communities simply must be equal partners in decision making that will determine and carve out their cultural, social and environmental future as part of the Western Australian community, economy and society.

How we move forward to address the disadvantage founded in displacement and disconnection from land, culture and heritage is a joint challenge. Currently Indigenous Affairs is promoting a move away from welfare and program approaches and driving an approach that supports self-determination and governance. It supports long term 'whole of' community development approaches.

Given the time such a transition will take it is imperative to ensure a more immediate process for services delivery to bring into being more equitable outcomes for Aboriginal Communities.

Constraints faced inside the current service delivery approaches present a need for partnership approaches where service delivery is negotiated on a case by case basis with a genuine commitment to build the capacity of the communities to determine and work towards their preferred future.

They highlight a need for funding to be provided in a way that supports the establishment of effective processes rather than plans and events, which seem to fit an agenda for a public sector locked into annual budget cycles.

Continuous, full time planning support with a process for inbuilt skills transfer will serve to enhance future work to build effective governance in communities.

The Challenge in Western Australia

After a process of internal (and minimal external) consultation the department of Indigenous Affairs has developed the following recommendations.

1. ***Advance the New and Just Relationship in partnership with Indigenous peoples.***
 - a. **Identify appropriate leaders and governance structures.**
 - b. **Implement the reform these leaders and governance structures require to build the future they identify for themselves, their families and their communities.**
 - c. **Remove the barriers provided by the constitution to implementation of the Statement of Commitment.**

The Indian Nations in Canada, through the work of the Harvard Project, offer 14 years of research and evidence of successful economic development through the building of effective governance.

The project identified 5 key characteristics of what makes the difference between success and failure in Indian Nations when success was identified as having good economic development, increased employment and a better quality of life for the people these nations:

- **Sovereignty.** This puts the development agenda and the necessary resources in Indigenous hands. Evidence says it's necessary (but not sufficient) for sustainable development;
- **Good governing institutions.** A stable bureaucracy that separates politics from business management, and can get things done;
- **Cultural match.** Institutions that match and have legitimacy with *contemporary* Indigenous cultures is more important than the legitimacy with the State or Federal government itself;
- **Strategic orientation.** Success was evidenced where there was movement from band-aid management and fire fighting to a long-term vision that shaped policy and project decisions;
- **Leadership.** Who will take responsibility for the future of the community?

The implications for Federal and State Governments:

- Transfer power to Indigenous nations;
- In governance, one size does not fit all;
- Be open to new, innovative governance models;
- Take customary law and organisation seriously;
- Invest in institutional capacity building;
- Expect and tolerate mistakes.

2. Implement a universal prevention approach to address social disadvantage.

Many of the measures implemented to date to address a range of social issues have focused on responding to the direct treatment and support needs of individuals who are affected or at risk of being affected by these issues. National and International research indicates the need for an approach which addresses what causes individuals to become “at risk” in the first place.

The work undertaken by the Aboriginal Youth Suicide Steering Committee and proposed to be presented to Cabinet is leading the way in this regard and should be considered as key component of any strategy to address the factors that cause individuals to become “at risk”.

This proposal is built around current research that suggests that interventions early in the lives of individuals and across the whole ecological context, in which they live, have the greatest likelihood of producing sustained outcomes in the long term

This prevention approach will be framed within an Aboriginal worldview. It aims to build community capacity through facilitating a process to support community members take back care, control and responsibility for social and emotional well-being in their community.

This approach is also supported by recent evidence from Canada that has highlighted the importance of fostering of cultural continuity in Indigenous communities in the longer-term process of reducing the impact of social disadvantage.

This universal prevention approach needs to be supported by changes in some of the systemic responses from governments and the wider community. Examples of these systemic responses include the need to reconsider current funding within government, which is weighted heavily toward tertiary responses.

A re-orientation of government to resource evidence-based early intervention strategies is essential for community, family and individual well being. An important societal intervention would be an education strategy for communities and service providers to promote the preventative value of the following key themes: valuing culture, building resiliency; enabling communities; and building skills and knowledge for healthy lives.

3. Promote Normalisation of services to Indigenous Communities.

“Normalisation”² implies that services will be provided to Aboriginal communities on an equitable basis to comparable non-Aboriginal communities and embraces the application of mainstream health, planning and building standards.

Normalisation is a process that aims to deliver the citizenship rights long demanded by Aboriginal people but which is taken for granted by non-Aboriginal people.

By addressing Indigenous disadvantage through the following key Normalisation initiatives we can jointly progress towards more equitable outcomes for Indigenous Communities in WA;

- Town Planning and Development Act authorises a local government or landowner to prepare a Town Planning Scheme (TPS) for any area in order to develop land and to provide services and facilities. It is administered by local government and establishes legal controls over land use and the controls in place in order to optimize land use. It enables the creation of formal planning Policies to facilitate improved planning and coordination of services. There is a need to ensure that the Act can be used practically for the benefit of Indigenous Communities.
- Code of Practice for Housing and Infrastructure Development
 - Bilateral Agreement on Essential Services
 - Town Reserves Regularisation Program
 - Remote Community Power Procurement Program

This code could be reinforced and given legitimacy so that Indigenous Communities can use it to put sustainable infrastructure in place leading to improved efficiency and long term health outcomes.

- The Local government Act ensures buildings comply with the Building Code of Australia. It provides powers to deal with unapproved, unsafe and dilapidated constructions and the care and management of public places. Local government is the main vehicle for the application of health, building and planning processes and yet they accept little responsibility for services Aboriginal Communities because of:
 - Legislative impediments
 - Lack of financial resources
 - Non-payment of rates
 - Private nature of community facilities
 - A history of circumventing local government approvals
 - Current sub-standard nature of infrastructure and
 - Racist attitudes

² *Report of the Chief Executive Officer Working Party on Essential Services to Aboriginal Communities.* 1995

- The Health Act is the Primary source of environmental health regulation and control in Australia. The Crown is not expressly bound by all provisions of the health Act thus limiting the powers of Local Authorities to enforce health provisions in Aboriginal Communities located on Crown Land under control of the ALT.

To prioritise these issues and progress them inside of effective legislation would:

- Ensure the application of mainstream health, planning and building standards in a way that respects Indigenous lands, culture and heritage.
- Upgrade essential and municipal infrastructure to standards acceptable to mainstream service providers (e.g. Western Power, Water Corporation, Local Governments)
- Negotiate resolution of maintenance and management issues in a practical manner at a local level in accordance with the needs and wishes of local communities.
- Promote coordination and efficiencies between Commonwealth, State and Local Government resources and Indigenous Non – Government Organizations.
- Address inequities in the allocation of mainstream agency resources to Aboriginal communities.

4. Resource capacity building and community development approaches in the community.

The ability of communities to function efficiently and to cope with the demands of their interactions with government and the wider community is dependent upon the level of skills available to the community for good governance and community management. It also relates to the level of disadvantage faced by the community and to the community's social and political organisation.

The 1997 Environmental Health Needs Survey and the Australian National University's North Australian Research Unit (NARU) Report identified poor community management and administration in many remote communities as a major obstacle to sustainable improvements across key indicators of environmental health. Communities with a history of poor management and high levels of social disruption tend to be those with reduced asset life; high repair costs and a recurring need for capital replacement. These communities therefore, either tend to get more than their share of resources as they constantly have high need or, they are avoided completely by agencies under pressure to show value for money.

Capacity building is seen as critical in order to sustain improvements in the physical environment as well as to promote the social, cultural and emotional well being of residents. Building capacity and resilience at all levels in a community through universal intervention initiatives has potential to tackle the common denominators which lie at the foundation of visible symptoms of community dysfunction such as community violence, youth suicide, alcohol misuse, vandalism and sexual abuse. It has therefore been identified as a key strategy through the recommendations of the Community Drug Summit, the Aboriginal Suicide Prevention Steering Committee and the Aboriginal Family Violence Strategy.

The issue of management capacity has also been raised in the context of current negotiations over land title both through the Aboriginal Lands Trust lands transfer process, and through recent native title determinations. In order to maximise the economic and other benefits to Aboriginal people of owning land, support is required to ensure Aboriginal people have the capacity to manage that land and to promote development opportunities.

In 1999, the then Aboriginal Affairs Coordinating Committee (AACC) endorsed the development of an integrated State strategy for capacity building which would aim to promote sustainable environmental health, social and economic outcomes. The development of this strategy was being coordinated by the Department of Indigenous Affairs (DIA) through an interagency working group comprising the:

- DIA (convener);
- Aboriginal and Torres Strait Islander Commission (ATSIC);
- Department of Industry and Technology;
- Department of Local Government and Regional Development;
- Department of Training and Employment;
- Department of Housing and Works;
- Department of Family and Community Services;
- Western Australian Municipal Association;
- Department of Employment, Workplace Relations and Small Business;
- Department of Health;
- Department for Community Development.

A consultancy commissioned by the Working Group identified the following key issues relating to improving community management and building capacity:

- Improving government service provision and coordination between agencies;
- Provision of training, mentoring and leadership support;
- Community staff recruitment and competencies;
- Appropriate governance structures for Aboriginal communities;
- The need to understand and work with community politics and decision making processes;
- Improving access to local government services;
- Developing Benchmarks for capacity building;
- A proposal for a pilot project to be implemented in a discrete community; and
- The need for a single agency responsible for Aboriginal community development.

These issues need to be resolved and progressed within the context of the newer State and National reconciliation agendas being progressed in the newly formed Indigenous Affairs Advisory Council agenda.

A whole of Community and Government approach to the development of sustainable management practices for Aboriginal Organisations needs to be driven by a lead agency. Three approaches suggested by the Bradfield Nyland Group and Cathy Craigie are outlined clearly in the paper attached to this submission.³

Indigenous governance, leadership, capacity building and devolution of service delivery have been a key policy focus in Canada and the United States for a number of years. Until recently, however, there has been limited attention given to these issues in Australia.

³ A 'Whole of Community' Approach: Sustainable Management for Aboriginal Organisations. Presented at the People, Place and Partnerships Conference March 2001. Jane Bradfield, Cathie Craigie and Julie Nyland.

5. Provide resources to build the capacity of the Public Sector to more effectively interface with the Indigenous communities it serves.

There is a need for cultural and practical change in the way the Public Sector serves Indigenous communities. Such change requires genuine commitment in resources and timeframes for transition and implementation at all levels.

It is not enough to identify appropriate Indigenous governance structures. There is a plea to take customary law and organisation seriously.

This presents a challenge to Government to recognise the legitimacy appropriate governance structures hold within the community they represent/serve. It presents an opportunity to mobilise that potential by implementing major reform. Reform that can unlock doors and make way for new and innovative ways of dealing with and partnering in service delivery approaches and the development of agreements.

To address sustainable changes in the way public sector relates to the Indigenous People requires a new way of working to be:

- Planned for;
- Purchased from agencies within the Output Based Management Framework;
- Included in Job Descriptions;
- Trained for;
- Recognised;
- Rewarded

On the 21 March 2002 a workshop convened jointly by ATSIC and DIA had Indigenous Community Leaders from WA come together to discuss what is necessary for the development of Indigenous Leadership in WA. The process had a diverse range of Indigenous Leaders talk with each other first. They negotiated and came to an agreement on a set of 7 recommendations to be put to the wider mainstream development of the WA Leadership Plan being lead by the Department of Local Government and Regional Development. The recommendations highlight the needs of the leaders here in WA as outlined by themselves.

Such a process recognises the diversity of the Indigenous communities and respects their need to proceed in a way that honours and respects that diversity before presenting to the mainstream. It recognises the need for an appropriate process to occur before participation in the mainstream process.

Resourcing of such capacity building in terms of Leadership development was difficult to access and more difficult to have the mainstream lead agency understand. This must change if there is to be a genuine "New and Just" relationship between the Government of Western Australia and Aboriginal Western Australians.

Summary

The Sustainability of Indigenous Communities is fundamentally dependent on two factors.

The first is that Indigenous Communities undertake to identify appropriate governance structures. These bodies will be ultimately responsible for development of the community and all of the process through which this will occur. If these bodies have credibility within the Indigenous Community, and are able to deal with the environment within which those communities operate, there will be resilience and cohesion necessary to implement changes for a preferred future.

The other factor is that the whole of Government undertakes to develop appropriate processes to work with Indigenous Communities. If this is undertaken in a way that respects the history, values and uniqueness of Indigenous Communities then the service required by the Indigenous Communities will deliver outcomes in line with those experienced by mainstream WA.

Such bold moves will require that someone in Government take responsibility. That someone steps up to the mark and undertakes to implement the required changes that Indigenous Communities identify, and have been identifying for a long time. The terminology may have changed but much of the rhetoric remains.

The key issues raised in this contribution outline the stumbling blocks over which Indigenous Communities fall. They are not new. There has been insurmountable research to suggest the need for radical change in the 'way of doing business' between Indigenous Communities and the people who serve them. This contribution brings them to the table once more in the hope that there will be some radical actions taken to progress them.