

Submission by Fred Chaney in response to “A Path Forward”

## **Introduction.**

I am generally supportive of the WA Government’s paper, A Path Forward (the paper) including the opportunity it provides to give feedback to the Department of Premier and Cabinet and the Western Australian Aboriginal Advisory Council. The Government is to be congratulated for working with Aboriginal representatives to put it before the Aboriginal community.

I also acknowledge and welcome the opportunity this Government is providing for a new framework of Aboriginal participation. This is necessary as a means of escaping from past failures of policy and administration and to enable full access of Aboriginal Western Australians to the social economic and cultural life of the State.

To put my comments and suggestions on the paper in perspective I emphasise my support for the bulk of the ideas expressed in the paper that aim to make Aboriginal people participants in the policies and programs that affect them rather than inert subjects of government interventions. This is captured in the paper in the references to working with Aboriginal people communities and organisations (p1) and the proposals for Aboriginal involvement throughout the paper.

In particular I support the development of a shared strategic vision that provides a basis for a united approach by the Aboriginal community and the multiplicity of State Government departments and agencies (p1) as without such a guiding vision in the past

- government actions have lacked consistency and coherence, and
- the Aboriginal people have not had a clear framework within which to work with governments.

The paper correctly identifies that all parts of our society have a role in improving outcomes (p1) and notes that Reconciliation Action Plans are a vehicle for systematically involving all elements of the wider community in working in respectful relationships with the Indigenous community. In this way the work of Reconciliation Australia and RWA in a very practical way complements the approach outlined in the paper.

The involvement of the Working Group in the development of the paper is important, as is the review of experiences here and overseas (p6 and 7) and the references to earlier reports and reviews, too many of which in the past have gathered dust rather than brought about action. These reports also serve as an important reminder that, across all Australian jurisdictions, many of the positive ideas in the paper have been expressed before without leading to actual change in the way governments have gone about their business. This explains some of my concerns and suggestions outlined below.

Politically this is a time of real opportunity to get Aboriginal Affairs on a new and successful course in Western Australia. The current Minister and a number of other

Ministers have real knowledge and experience of working with the Aboriginal community. If the current Government cannot fix the deep structural impediments to improved outcomes perhaps we never will

### **The Overall goal**

Having an expressed overall goal (p8) is important. It is difficult to progress if you don't know what you are trying to achieve. However pages 8 and 9 deal with complex issues often not raised overtly and which the paper does not settle. They are worth further consideration.

How free can Aboriginal Western Australians be to define what success looks like? What are the limits of "Empowerment"?

The paper, probably intentionally, avoids past expressions of this idea such as self management, self determination and the idea of Aboriginal sovereignty. In the past policy variously offered Aboriginal people self management, self determination and freedom to determine their own lifestyles, but there have always been limits. Lifestyles can impact on social and economic outcomes as well as human rights. Governments necessarily proscribe limits to behaviour and pursue legitimate community wide objectives for all their citizens. In addition much of the effort directed to closing the gap implies the pursuit of statistical equality of outcomes that may be inconsistent with the maintenance of distinct Aboriginal communities in remote locations with distinct lifestyles where service delivery is difficult. Closing the gap can have overtones of assimilation rather than "choosing their own futures". This is not an academic point. Are Aboriginal Western Australians allowed to maintain different lifestyles and if so what are the limits?

As an example is it an overall goal that all Aboriginal people are to have the opportunity to walk in two cultures?

### **The goals of policy**

That leads to a further critical question, who determines the goals of policy? Is it Aboriginal people or does government also have a role?

I believe Government has essential responsibilities to all citizens including Aboriginal citizens. That responsibility should not be obscured under the cover of bringing Aboriginal people into the decision making process. In the past few if any governments have fully met their responsibilities to their Aboriginal citizens.

In trying to correct the historic and failed top down approach of governments the paper rightly emphasises the essential Aboriginal role in effective policy development and delivery. In infant health and wellbeing, health generally, education, employment, and all elements that contribute to wellbeing critical players are the Aboriginal people themselves. But governments also have an essential role (obligations) that should be explicit. The risk is that the paper might leave the general community, public servants, and most important the Aboriginal community, seeing government as a blank sheet of paper waiting for Aboriginal people to write a script.

In fact governments have inescapable obligations to their Aboriginal citizens, to provide for their education, health, safety, access to essential services, and so on. Historically governments have failed to provide equally for their Aboriginal citizens and have gotten away with it. In the past those failings have been made the responsibility of the neglected citizens rather than the failed governments. It should be explicit in the paper that the Government is engaging with Aboriginal people on the basis

- that governments have the same obligations to provide services to their Aboriginal citizens as to other Western Australians, and
- that the paper is primarily designed to show how those obligations can best (and only) be met through the involvement of the Aboriginal people in design and delivery of policies affecting them.

To make clear that this Government is committed to government playing its part some additions could be made to the strategic elements identified in the boxes at p11 to make it clear that Government accepts its obligations, accepts its part of the bargain. The key strategic messages are that the Government must change its approach to its policy development and delivery as well as making room for solutions to emerge from collaborative engagement. For example the present wording in the boxes could be changed along the following lines

- Government will invest more in preventative initiatives,
- Putting culture at the centre of Government approaches,
- Building cultural understanding and respect in Government and its agencies.

**These are needed changes in governments, not in the Aboriginal people.**

As for “**Bringing decisions closer to communities through empowered engagement and agreement making**” it needs to be clear that this relates to priorities and delivery rather than to essential Government obligations such as ensuring

- safe communities and families,
- better educational outcomes,
- better health outcomes etc.

To illustrate this point take education as an example. The raw figures on school retention and attainment demonstrate a catastrophic failure to achieve acceptable education outcomes for many Aboriginal students. Each year there is a cohort of around 2,000 students commencing high school. By year 12 about 760 remain in school (so more than half have dropped out) and of those 350 are WACE eligible and 180 achieve a WACE and 56 achieve an ATAR of 55. These are shocking figures and guarantee social and economic gaps will not be closed.

Along with Aboriginal people and families Government has a clear obligation to address this failure. Completing year 12 and even another year of post school education is a prelude to significantly better employment income and health outcomes. It is a way of enabling people to walk in two cultures.

It would be consistent with the paper for the Government to state that it will work with Aboriginal people on how best to close the education gap and it should be clear on the face of the document that Government is not shifting **its** responsibilities onto them as has happened in the past. The correct position is that Government has an obligation to educate all school age Western Australians to enable them to fully participate in the community. That obligation extends to Aboriginal students. At present it is not being met. There are many community factors at play here as families as much as schools contribute to educational outcomes. To meet the Government's obligation requires both Government and Aboriginal contributions that will have to be worked out collaboratively.

**It would be helpful to clarify the respective contributions of Aboriginals and Government** by making clear what is meant in the passage at page 11 "...the key strategic message is the Government must make room for **solutions** to emerge from collaborative engagement with Aboriginal people."(emphasis added) The important point here is that the Aboriginal people cannot have the sole and exclusive role in determining objectives as against determining how objectives such as closing the gap can best be achieved. They are however a critical part of any **solution**. In turn Government engagement remains vital.

These issues partially are addressed on pages 12 and 13 where there are references to the obligations of Government but it should be made absolutely clear that Government accepts its obligations to its Aboriginal people in full and that the paper is about how Aboriginal people can contribute to most effectively meeting those obligations in the future.

**Government legal capacity to work collaboratively with the Aboriginal community and to adjust policy and administration.**

That government will act flexibly and collaboratively in dealing with multi-factoral (wicked) problems is a frequently stated objective of governments that is seldom delivered. This is sometimes through lack of leadership within government or through government being distracted as new issues emerge. More significantly however most attempts have not been accompanied by the systemic changes needed to enable governments and their agencies to have the flexibility that the policy suggests is needed. (The failure of ICCs at the Commonwealth level, the failure of the COAG trials and the limited progress with Empowered Communities all reflect government incapacity to work locally and flexibly)

Unless Ministers and public servants and government agencies are given the legal mandate to behave in flexible and collaborative ways it cannot happen. Duty statements, accountability measures, and program guidelines must match the objective of having place based policy and delivery designed in consultation with the affected communities. Otherwise as a matter of law it has to be business as usual. Ministers, public servants and agencies are subject to the rule of law and will be brought to account by the Parliament, the Auditor general and the corruption authorities if they are not acting within the rules. A key task for government is to ensure its processes match the process being offered the Aboriginal community.

Government must empower itself as well as the Aboriginal community. Otherwise empowerment is a sham.

### **The critical importance of Government commitments to remote communities**

The paper is relevant to the whole Aboriginal community of Western Australia but the circumstances of remote communities are such that the government side of the table has overwhelming significance.

These communities generally do not have access to universal services available in more densely populated areas of the State. Statistically they are the most disadvantaged and have the worst education, health and life expectancy outcomes. They have in many areas easily identified representative organisations and in that sense are probably the easiest people for governments to engage with and negotiate appropriate policy and service delivery arrangements. The approach in the paper to Aboriginal empowerment is very relevant to their circumstances and holds out the prospect of a better future.

At the present time the Commonwealth has stepped back from its historic commitments to those communities and has unilaterally handed over responsibility to the State. Commonwealth involvement primarily is maintained through social security arrangements and CDP with an emphasis on compliance and punishment (perhaps currently modified to accommodate the virus). The rigidity of Centrelink processes and rules has made remote community dwellers the poorest and most punished beneficiaries in the nation. There is little or no space for the collaborative approach the paper describes. As a result of Commonwealth policies over a series of Parliaments under both Labor and the Coalition many communities are poorer and less functional than they were prior to the Intervention in the NT. Announcements of ameliorating arrangements this week may presage a better future.

Given present Commonwealth approaches the role of the Western Australian Government is crucial. In remote communities the success of the approach set out in the paper is far more dependent on what the Government brings to the table than any other factor including Aboriginal engagement. Absent clear and resourced Government approaches to such engagement and a capacity to respond to the supposedly “empowered” communities there would be no point in Aboriginal people in remote communities engaging as no outcomes are possible.