

Response to A Path Forward: Developing Western Australia's Empowerment Strategy

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Thankyou for the opportunity to respond to this ambitious strategy to transform the relationships between Aboriginal people and the WA State government.

I have been working as a researcher on Indigenous governance and Government engagement with Indigenous people for 15 years and I will just make a few key comments on the paper itself and then highlight some of the implementation challenges that Government is likely to face in trying to make the shift that this paper signals.

First let me say that it is good that you worked from all the previous reviews and inquiries and other sources to synthesise key issues arising, as sadly, so many reports and recommendations of the past 20-25 years have been neglected. It is also good that you are working with an Aboriginal Working Group in developing this strategy. I will leave it to the Aboriginal people of WA to comment on much of the substance of the paper themselves, including terminology that they prefer.

I note the word **Empowerment** is central to the paper but it is nowhere defined. There are many definitions, but I like this one from Susan Kenny, **Empowerment** refers to **'the ways that power relationships are changed in the interests of disadvantaged, oppressed or exploited groups'** (Kenny 2006: 163). She goes on to argue that empowerment requires community development approaches that draw **attention to how power is exercised and to the identities and rights of subordinate groups** when such power is exerted. Increasing empowerment means increasing **such groups' access to and control over information and resources or assets**. Kenny (2006: 163) describes several preconditions for empowerment including a level of confidence of those releasing power in a group's capacity to manage, and, importantly, the subordinate group's own belief that they can collectively control their lives. *These beliefs need to be central to the attitudes of government staff and the policy frameworks they work within in all state agencies if empowerment is to occur.* **In essence, empowerment is about enabling Aboriginal people to exercise their rights to a far greater degree than at present, by giving them control over data and information, as well as assets and resources.**

I also wrote a major research paper on Engagement for the Closing the Gap Clearinghouse some years ago – and I attach it for your information. It emphasises the different expectations that governments and Aboriginal people often have about what that word

means, and recommends a high degree of Aboriginal decision-making, not just consultation, if outcomes are to be optimal. I now turn to comments on various sections of the paper.

Principles and Strategic Elements – Under dot point 2, I suggest reword: The Government's primary role is to support Aboriginal people, families and communities to drive their own priorities and development futures (a focus on problems is falling into deficit language); in a few other places in the paper the word problems appears and it would be good to find alternatives in those places also.

Under Strategic Elements, what exactly is 'empowered engagement?' And who will government make agreements with? Unless there is a strong strategic focus on local and regional governance this strategic element looks insufficient. There have to be bodies to engage with. One of the key questions is what types of bodies will these be? Will they be loose networks of local Aboriginal organisations? What role for Traditional owners/native title holders? What about regional governance bodies- is there going to be support for those who wish to develop/strengthen them?

Putting Culture at the Centre: Culture is not a bridge – it is a person's way of life. I would edit the first two sentences in that section to say ' Culture is at the heart of a secure foundation for life, indeed it is a person's entire way of life..... etc. ' In Key ideas (e) Building on cultural strengths needs to recognise that this is not just individual strengths but collective strengths and ways of working. Much more freedom needs to be given to Aboriginal organisations to deliver services and programs in ways that reflect those cultural strengths. Narrowly defined contracts with detailed specifications of processes as well as outcomes do not enable this.

Bringing Decisions Closer to Communities through empowered engagement and agreement making: This section needs more clarity. How far are Aboriginal people going to be allowed to be involved in decision-making? More decisions made by government officers with greater authority at regional level is good, but that is not the same as Aboriginal involvement in decision-making. Having a formal and systemic role in decision-making is the key to empowerment , so considerable work will be required at regional levels to identify which groups need to be involved in making decisions about (not just being consulted about) different programs/services. There also needs to be considerable thought given to protocols at local and regional levels, for example between native title groups (that have only been recognised in recent years and have varying levels of resourcing, in some cases very little resourcing) and long-established Aboriginal community controlled organisations that have historically delivered services and have developed government service delivery contract management capacity etc. The government will need to be clear about how the transition to nation building that is going on consequent to native title determinations will impact on future arrangements for service delivery within nation groups. Furthermore, as noted on p25, there are consultation processes at national level towards some form of regional voices to government (rather than to Parliament as intended), which may invite governance reform at the regional level, a gap being keenly felt since the abolition of ATSIC in 2004 (Keeffe 2020), There is also the move towards treaty-making in several jurisdictions (Victoria, NT and Queensland), that may influence thinking in

WA. What is clear is that there is an important difference between treaty making as a form of political settlement and devolution of service-delivery decision-making, which is an administrative change. How these two ideas may develop simultaneously is something Government needs to consider with Aboriginal leadership.

Enabling Aboriginal led solutions: The desire to provide more services through Aboriginal community controlled organisations is positive. And I would add to the (ii) 'in ways they consider most effective' (see previous comment about allowing Aboriginal organisations to deliver services in ways they consider best). I also think that narrowing the use of Aboriginal organisations to services that depend on voluntary engagement is missing other significant opportunities – for example housing is an area in which Aboriginal organisations can deliver good service, and stimulate Aboriginal jobs in construction as well as repairs and maintenance; road grading and similar infrastructure or construction work is another where Aboriginal social enterprises may be engaged. The unduly narrow suggestion for engaging Aboriginal organisations nominated in this paper misses many opportunities for Aboriginal jobs and economic development.

In relation to the second dot point under (b) on p17 I would add that there are some useful partnership principles developed in the Northern Territory which would be worth using to determine when and under what arrangements partnerships with non-ACCOs should be used.(Attached).

My final comment is that this paper focusses heavily on service delivery and where it considers economic development its focus is largely on cultural enterprises. That is all positive but it is insufficient. The paper does not situate the future of Aboriginal people within the changing nature of the Australian economy, or the Western Australian economy in particular. This includes the transition to 100% renewables, which opens up opportunities for Aboriginal people to have plenty of renewable energy on their lands, with the numerous social and economic benefits such renewable energy might bring. Secondly, it does not factor in the major digital transformation going on and how that may affect the wellbeing and the opportunities for WA's Aboriginal people. Thirdly, it does not come to grips with a shift to a service economy and the growing sectors of the labour market which might provide new opportunities to Aboriginal workers, particularly as labour market changes of recent decades have displaced many, particularly men, from their traditional work roles. Such analysis would help guide investment in training and education for the future.

Overall I wish the WA Government well in finalising and then implementing this strategy to improve the lives of its Aboriginal citizens. The next section provides some more general comments on changing the way governments work with Aboriginal people.

More general comments about implementing such a change in relationships as envisaged by the paper

Below are some comments of a more general nature about the challenges governments face in making changes of the nature indicated in the Discussion Paper, based on my research over many years.

Greater Aboriginal Empowerment requires support for Aboriginal Governance and culturally capable government staff.

If Aboriginal communities are to be involved in decision-making and agreement making they need adequately resourced and culturally acceptable governance mechanisms to do this. Culturally legitimate representation and leadership cannot be imposed by outsiders. Similarly, understanding how local people view and wish to operationalise cultural geographies, concepts of relational autonomy and subsidiarity will be essential. There will be no single model – each context will require its own solution which is viewed as legitimate in terms of representation and decision-making processes by the constituents it is meant to serve. In some cases their current arrangements will be adequate. In others, new arrangements may be necessary for engagement with governments. In some cases skilled mediators or conflict resolution specialists may be required to help overcome entrenched conflicts which are dysfunctional and holding communities back.

In the case of external relationships with governments, evidence indicates that relationships work where the government staff involved have an appreciation of, and the cultural competency to respond to, Indigenous history, cultures and contemporary social dynamics in specific regions or locations. Where they work in ways that value the cultural skills and knowledge of community organisations and Aboriginal people there is greater likelihood of success. Thus staff attitudes and contextual knowledge as well as community development and governance competencies are important for government staff across a wide range of agencies.

These relationships need to be *long-term* relationships of trust, respect and honesty. These take time to develop, and government staff churn works against this. Trust requires a level of authenticity in the relationship, treating people with respect, open and honest communication, and clarity about roles, relationships, possibilities and constraints. This is easier where there is long-term and high level commitment (Jarvie 2008) and flexibility in decision making (which Burchill et al 2006 found was a critical success factor). The development of two-way trust in partnerships between governments and communities is also emphasized. Whilst there is often recognition of the need for governments to build trust with sceptical Indigenous communities, *the need for governments to trust the communities to know the best ways to work locally and to be able to find workable solutions to problems is equally important* (Burchill et al 2006).

There needs to be *accessible, ongoing communication and information sharing* in ways that communicate with Aboriginal people. Concepts and terms in daily use by government staff

may be quite foreign to Aboriginal community members, so translating 'government speak' to enable community members to fully understand its meaning and implications is important to avoid confusion, misunderstanding and ensure that communication is effective (CGRIS 2012:35; Kennedy 2013). Even when using the same terms, people may attach very different cultural meanings to them, and this can cause misunderstanding (Parsons 2008). Visual and face-to-face means of communication are frequently more effective than written communication. Sound communication among and within government agencies is also essential for inter- and intra-departmental and intergovernmental coordination.

Clarity is required *about the purpose and the relevant scale for engagement*, which may require multi-layered processes. A fundamental aspect of Aboriginal societies is a tension between autonomy and relatedness. This plays out on many levels and in all contexts. For instance, relational autonomy is expressed through the way Indigenous people organise themselves:

...whereby they try to achieve a balance between maintaining the autonomy of a small group of people (for example, their extended family, small group or local organisation) at the same time as trying to maintain their connections with a wider set of relationships (for example, to their clan, a set of families, a group of organisations or a wider regional network). The principle highlights the value to people of having their independence but not at the expense of their shared relations and vice versa (Hunt & Smith 2007:15).

Relatedness encourages a tendency towards larger scale regional networks which bring small groups together into broader alliances and confederations. Sanders (2005) refers to 'dispersed' governance as being typical of the way Indigenous people manage the tension between autonomy and relatedness. Thus while they will make certain decisions at regional scale, other decisions will be considered the province of more specialised, or more local groups. A capacity for clearly agreed subsidiarity (i.e. devolution of decision-making around certain spheres or at certain levels) may be necessary in regional decision-making bodies.

Good relationships also require that business is conducted in *appropriate timeframes*. This includes sufficient time in the planning stages for full deliberation and then responsive funding without long delays where this is required to implement agreed priorities.

Aboriginal-driven and participatory processes

Successful programs are Aboriginal-driven from the outset. Aboriginal aspirations and priorities must drive the engagement with government within an Aboriginal framework, process, context and timeframe, that is, what works best is an *Aboriginal-driven process* with government as facilitator/enabler in a framework of Aboriginal self-determination. Shifting government into such a different role (from service provider/controller) is not straightforward and requires investment in change management processes.

Engagement between governments and Aboriginal communities needs to be related to *Indigenous concepts of wellbeing*. This may suggest attention to priorities and issues that go

well beyond matters covered in COAG targets or state government priorities. It is important that Aboriginal well-being frameworks, not externally imposed priorities or targets, shape the goals that are agreed with communities. Aboriginal people will mobilise actively around programs that reflect their own aspirations and concepts of wellbeing. Aboriginal wellbeing is strongly associated with concepts of kinship, land and culture (Dockery & Colqhoun 2012:20; Kennedy 2013) and these concepts will shape decisions Aboriginal people make about what they value.

It is encouraging to see that the WA Government intends to build on community governance structures and Indigenous strengths and assets, rather than deficits and gaps, in an empowering process. Campbell et al (2007) show how difficult it often is for governments to allow genuine community control and really support Indigenous priorities and agendas (see also Wolfe-Keddie 1996). One factor in this is that governments may adopt a narrow definition of certain problems rather than viewing problems and solutions more holistically. This may be coupled with pressure to achieve specific and usually externally-determined targets. This is where targets can constrain rather than support development. Processes must start with the aspirations of the Aboriginal community. Strengths-based approaches are important in Indigenous Australia where Indigenous people have long experienced deficit views of themselves, and see empowerment and healing as part of the same process. These asset-based approaches turn peoples' own mindsets around and challenge the deficit view of Indigenous people. Processes need to be participatory. Communities need to be setting the agenda, initiating actions and determining priorities, through decision making processes that are clear to all. Planning works well from community-level upwards to regions, with a level of autonomy for local groups to make decisions about their own priorities and activities and have a voice in their own development. Strengths, assets and positives need to be identified, so that people build their confidence and self-esteem; and leadership capabilities and potentials need to be encouraged. There should be 'less monitoring and more mentoring' (Hagan 2009:27).

Reducing power inequalities in Agreements

To achieve the overall goal in this paper requires addressing issues of power inequality, shifting power in favour of people who are disadvantaged or marginalised. There is evidence of mismatches between Aboriginal notions of autonomy and control and those held by external parties that partner with them, so that mutual expectations about levels of control Aboriginal people will have over decisions differ (Campbell et al 2007). This can cause frustrations on both sides; success may require ensuring absolute clarity about expectations in relation to the levels of autonomy and control which Aboriginal communities will enjoy.

Reducing power inequalities can be achieved by:

- Recognising them and making sincere attempts to share power, through agreements, with transparency of decision making processes and agreed conflict resolution mechanisms in place. Unequal power in relationships can be reduced by *strong mutual accountability relationships in agreements*. Thus governments need to

set out what their accountabilities will be to the Aboriginal community as well as vice versa. Formal agreements give respect to Aboriginal parties.

- Having a high degree of *clarity* about desired outcomes, indicators and steps to achieving them with clearly defined roles and responsibilities for all parties in agreements and partnerships, mutual accountabilities and some continuity of personnel.
- Provision in agreements for the parties to engage *in joint planning of monitoring and evaluation* to meet the rights and needs of each. There needs to be a willingness to take shared responsibility and accountability for shared objectives, for example, joint planning, monitoring and evaluation in line with the rights and needs of all parties.

Governance and leadership

Effective governance and capacity is needed within the Indigenous community and within and among governments themselves to maintain strong and effective relationships. This requires investment in capacity building for Aboriginal community governance but it equally requires attention to addressing the many barriers in governments' own governance arrangements which constrain Aboriginal development.

Research indicates what is required on the government side:

- High-level government engagement and a clear policy framework adaptable for local conditions, enabling a whole-of-government agenda and holistic place-based approach.
- A very high level of government leadership, with flexibility and secure, adequate resources within government.
- Regionally based senior people with decision making authority, high-level negotiation skills, and ability to listen carefully to what is expressed.
- Skilled, culturally competent staff capable of building trust and respectful relationships and of achieving strong relationships between government and representative community members. People on the ground must be willing to try new approaches and make things work; 'one size doesn't fit all' communities.
- A willingness to be honest about resource or other limitations and set achievable goals.
- The capacity to respond to Aboriginal priorities with pooled and flexible funding arrangements.

Overall, evidence indicates that there must be an investment in strengthening the governance and capacity development of both Indigenous *and government partners* for effective partnership working over the long term.

International research indicates that while giving Indigenous people jurisdiction is critically important, this alone is insufficient to achieving positive socio-economic outcomes. US research demonstrates that Aboriginal communities need *capable governing institutions* which they design according to their own requirements, for power to be exercised effectively. This includes:

- having dispute resolution mechanisms
- skilled administration
- separating politics from day to day business or program management
- congruence between the governing institutions and the Indigenous political culture, or 'cultural match' (for legitimacy).

Experience in New Zealand where government has devolved service delivery to Maori organisations since the mid-1980s indicates that this works best where there is a sufficient level of goal congruence between government and the Maori organisations. It also reveals that governments have to resource and support Indigenous organisations to manage their relationships with governments where these organisations manage service delivery; and governments need to take responsibility for adopting more Indigenous ways of operating and strengthening their accountabilities to Indigenous people.

International human rights standards, including the UN Declaration on the Rights of Indigenous Peoples, imply a rights-based approach to development. This views Aboriginal development as a process which contributes to people increasingly being able to claim and enjoy their rights. Thus a development process in Indigenous communities would aim to enhance Indigenous peoples' capacities to claim and enjoy both their citizenship rights and their Indigenous-specific rights laid out in the UN Declaration on the Rights of Indigenous Peoples.

Building trust and respect between government agencies and Aboriginal communities.

The WA Government will need to consider how it can leverage the necessary high level leadership and sustain it for a lengthy period to support the desired changes. One model may be to identify very senior officials as 'Change Leaders' across the WA Government who will champion the reforms and take responsibility for driving them across one or more regions. For example each willing Departmental head may take responsibility for supporting change in a region. Such a role would bring high level support to officials in that region trying to leverage change in the way agencies work with Aboriginal communities. This would spread responsibility for making the change occur across departments, rather than it falling too heavily on one Department, and it could introduce a level of incentive/competition within government for achieving success in the new approach. Similar models have been used by the Australian Government and the Queensland Government with some success, particularly where the Departmental head works closely with an effective senior official in the region or locality who has both some financial delegation and is working well with the relevant Aboriginal community through strong relationships and trust (Hagan 2009).

Changes in monitoring and evaluation, reporting and accountability relationships

To maintain priority on this policy change across government will require some change in reporting and accountability requirements. Whilst not wishing to bedevil the change process with undue reporting demands, having in place regular (e.g. six or 12-monthly) reporting to a high level (e.g. to Cabinet) and requiring an annual public report jointly from the Premier could keep the reforms required in focus across government.

Such reporting demands would require that appropriate monitoring and evaluation processes were put in place, with targets which focus on the processes, and sufficiently broad targets to support Aboriginal-driven priorities. At local level Aboriginal-identified targets and indicators would need to be developed and Aboriginal people should be involved in assessing whether they have been met. This is a critical part of an Aboriginal-driven approach.

Furthermore, within government traditional accountabilities are upwards to an individual departmental Minister. It will require the Premier and indeed other relevant Ministers) to make officials accountable to him/her *for their accountability and that of their agencies, to the local Aboriginal communities. That is, they will need to be accountable to their Minister for a downwards accountability approach.* Individual departmental leaders will need to be made personally responsible for such accountabilities. This is a significant shift in accountability arrangements. All the more so as many Ministers will be involved. It will require clear leadership from the Premier and his Department to drive such a major change.

Changes to operational policies, staff job descriptions, performance assessment criteria and accountability arrangements, and working procedures all will need to change. Staff will need clarity about their new roles, their decision-making responsibilities and delegations, and the budgets they will be working with. There needs to be clarity about who will lead this process, how it will be resourced and it needs to be undertaken in a timely way.

Related to the above, there need to be clear understandings/agreements with other Departments about how they will relate to Aboriginal communities, as well as how they will work with Premier and Cabinet to collaborate in a more responsive whole of government approach. Necessary protocols will need to be agreed between the Aboriginal Policy and Coordination Unit in Premier and Cabinet and other departments about their respective roles and jurisdictions in the new arrangements. These arrangements will need to be agreed at the highest levels and communicated well across department

The arrangements will need strong central leadership across government driving the changes out to the regions and the local communities.

New financial arrangements

New financial arrangements will be required and engagement of the relevant Ministries will be essential to explore innovative ways in which government funding can be made more

responsive to community priorities and initiatives, and the involvement and commitment of Treasury to innovate will be essential.

6.5 Communicating the new approach to communities and governments

Once decisions have been made about the new arrangements within government, including new funding arrangements and new staffing roles, these must be communicated clearly to Aboriginal communities so that they understand how they will be expected to work with government in the future. Similarly, these arrangements must be well communicated to staff in all levels of other departments within the Government engaged with Aboriginal communities, as well as to other levels of government.

Monitoring and Evaluation

A monitoring and evaluation plan will need to be developed. It should consider both how the implementation of changes within government are proceeding, and the changes occurring within communities. This monitoring and evaluation plan should be part of the early planning of the change, and not be left until the process is underway. It will need to be clear what the goals of the desired change are and what would indicate that they are being met. As the detailed plans are developed, the monitoring and evaluation strategy should be developed alongside them.

For Aboriginal people, a similar process should occur, enabling Aboriginal to set their goals (at State and regional & even local levels) and their indicators of success. Then there should be regular (e.g. 6 monthly) assessment by communities of the extent to which they are meeting or moving towards their goals. These assessments could easily be aggregated up in a regional and/or statewide measure of community progress against their goals for each year or 3-year period if a common (broad/flexible) assessment tool was used across the state for this purpose.

For more long term evaluation purposes, the value of an initial assessment of government-community relationships and extent of empowerment each region, apart from its value for planning purposes, would be that this could act as baseline data against which progress could be assessed in the future. This could involve a statewide self-assessment tool to be used in communities (e.g. by leaders in those communities) which they could re-use in 3, 5, or even 10 years' time for overall progress to be assessed. If Aboriginal-defined empowerment and wellbeing is the goal, self-assessments by Aboriginal people is a valid way of measuring progress.

At the same time, access to data will also be very important both for communities in their planning and assessment of their progress and in the overall monitoring and evaluation of the new policy approach. It will be important for communities to have access to relevant data about their own regional or local situation if they are to drive the planning and as they themselves monitor their own progress. Typically, it is difficult for communities to access

government-held data about themselves. Strong efforts need to be made to overcome any barriers which might exist in providing communities with access to relevant data which they need, as communities need to have data to make decisions and assess their approaches to community development (Taylor et al 2012).

Risks

It is critical that Government makes a sincere effort to shift its mode of operating to fulfil its stated objectives and its new policy approach. Major change (which this paper proposes) is difficult, and it is evident that there are significant risks in proceeding – although the risks of failing to proceed are far greater. The major risks to be avoided or mitigated are:

Bureaucratic inertia which may make shifting the approach very difficult:

- There is a particular risk that departments may not coordinate and work with Aboriginal governance bodies (where they exist or develop) in a timely and responsive whole of government way. This could act as a strong disincentive to communities to maintain or develop overarching community governance arrangements.
- There is a risk that new financial arrangements will not be successfully negotiated to make more holistic and responsive funding possible.
- There is a risk of loss of high level leadership focus and attention to drive the change.
- There is a risk of lack of clarity in the new arrangements so that staff at various levels and in different departments are unclear about the procedures to follow and the responsibilities which they have viz a viz others.

Insufficient resources:

This is a major risk. There need to be sufficient resources to support the change process and to sustain the new way of working. There is a risk that there will be insufficient resources for:

- Sufficient government staff to operate in a way which requires more engagement with communities and more intensive work with them; there is real risk of 'burn out' of insufficient locally based staff, and a risk of spreading staff resources too thinly to achieve anything worthwhile.
- Communities themselves to build their governance capacity and to implement action plans and initiatives; this would cause frustration and loss of community motivation.
- Government departments generally to respond in a timely way to communities' identified priorities, causing frustration and a loss of trust by communities.

Inadequate skills and support:

- Failing to give staff working with communities the skills and the high level support they need (including greater flexibility and authority) to meet community expectations and needs – putting them ‘between a rock and a hard place’.
- Poorly conceived efforts to build governance at local or regional levels which exacerbate tensions/conflicts within communities and hence set back future efforts at community development.

Inadequate monitoring and evaluation

- Failure to develop sound monitoring and evaluation processes which would mean that progress and problems could not be tracked, and where necessary, responded to.

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