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Kaya Ms Alderton,

The following is my response to the three main questions posed in the discussion paper *A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy*, which revolved around the main suggested ideas, the language used and other considerations.

### The main ideas

The discussion paper begins to direct a path forward in developing an Aboriginal empowerment strategy for the WA Government. However, it is my perspective that this discussion paper misunderstands and abandons the concept of self-determination. The lack of focus on self-determination as the main idea of the strategy is my primary concern.

The overall goal in the discussion paper is stated as:

*Aboriginal people, families and communities being empowered to live good lives and choose their own futures from a secure foundation.*

'Self-empowerment' is a concept that has no meaning in international law. The right of 'self-determination' is recognised in international law. The rights of Aboriginal and Torres Strait Islanders to self-determine their own futures is set out in the principles of the United Nations Declaration on the Rights of Indigenous Peoples. Find Article 3 and Article 4 of the declaration for your consideration respectively:

*Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

*Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.*

The goal is self-determination. Empowerment is a principle. By replacing the word 'empowered' with 'self-determination' in the goal, the statement could read:

*Aboriginal people, families, and communities self-determine their own futures from a secure foundation, empowered to live their lives.*

The very recent child and youth suicides in Western Australian Aboriginal communities supports my suggestion.

It is unnecessary to state '*...live good lives...*' in the goal as it places both limitations and a stipulation. My alternative statement covers the basis and gives freedom of choice – namely, self-determination. This revision also broadens the scope of the strategy and puts community driven solutions at the centre, which is ideal.

As the Director of Aboriginal Policy and Coordination Unit I understand your prerogative to provide direction on policy and strategy that will guide and support existing Government frameworks and policies. This will shape future Indigenous affairs, directly affect the lives of individuals and deliver much-needed justice, rights and healing to Aboriginal people.

I note the commentary in the discussion paper that '*self-determination means different things to different people*' and yes, this is true, but this does not detract or lessen the argument to incorporate self-determination into the core idea/goal. The decision to accept the premise that Aboriginal people have the right to self-determination is the only appropriate choice and it is my view that this should be adopted in the Western Australian Government's Aboriginal Empowerment Strategy.

## The language

As previously indicated, I suggest a change in the language that you are using in the overall idea of the discussion paper. This would create a number of amendments to the document. Below I express additional suggestions to the language you use.

### **Indigenous perspective**

Clear Indigenous perspective is not written into the discussion paper - you can hear/read/view it in the language used.

You might call the following nuances, but I call the following examples respect. Traditional Owners should receive capital letters, just as Aboriginal and Torres Strait Islanders do, just as First Nations, Elders, and Country should.

Whenever possible, just as English words are often shortened into acronyms and bracketed, it is my view that within the Aboriginal Policy and Coordination Unit documents (including this discussion paper) local Indigenous language should be used whenever possible, as preference, with the English translation bracketed. I suggest that this is part of the journey of healing.

I also suggest that the language should be systematically reviewed to reflect that this document is written *with* and *for* Aboriginal and Torres Strait Islander people rather than *about*. Below I identify a few examples where the discussion paper could *include* rather than *divide* the conversation into them-us/their-we. I also provide a recommended amendment:

<b>Section language is found in document</b>	<b>Current copy</b>	<b>Reasoning for copy revision</b>	<b>Recommended amendment</b>
Strategic elements section 3. Enabling Aboriginal-led solutions through improved service commissioning and grant-making	<i>...solving their own problems</i>	Places a burden and uses negative language	<i>...our communities finding own solutions</i>
	<i>...to deliver services to their communities</i>	Uses "power-over/power-under" dynamic not "power-with"	<i>...to deliver services to our communities</i>
	<i>... Aboriginal people may prefer not to use ACCO services because they want to use a mainstream service.</i>	Places presumptions that people are aware of ACCO's and places western culture services as the norm	<i>...Aboriginal people may prefer to use ACCO services rather than western service.</i>
Strategic elements section 5. Boosting economic opportunities across all areas of Government activity	<i>Some policy areas are within the control of Commonwealth or local governments; for these, the State's role lies in advocating for change.</i>	and could imply that the government dictates any changes	<i>...the State's role is to advocate for the change communities decide."</i>

## Consistency and clarity of the language

Currently, the language in the discussion paper is inconsistent and lacks clarity. We should be able to understand the statements through the language at any stage document without being required to read from the beginning for context. The following are a few examples from the Implementation section with revisions. "Create jobs" should probably read, "Aboriginal and Torres Strait Islander jobs." "Improve the health of wellbeing of children...." should probably be revised to, "Improve the health and wellbeing of Aboriginal and Torres Strait Islander children..." and "Services" should probably be revised to read, "...community driven services."

Another point in the discussion paper to clarify and expand upon is the goal to improve Aboriginal wellbeing by reducing the overrepresentation of Aboriginal people in custody that is listed in the State Government 'Our Priorities Program'. From what I could read, this is not explicitly written into this discussion paper. In the Framework section, key ideas in broader society are noted as, "Monitoring data on experiences of racism by Aboriginal members of the public." This could be revised to read, "Monitoring data on experiences of racism, and other injustices such as deaths in custody by Aboriginal members of the public."

## Detailing truth-telling

I identify a lack of detail of both past and ongoing injustices and truths. If this document cannot approach truth-telling I question how the Aboriginal Policy and Coordination Unit can practically propose that this knowledge can be translated across all State Government sectors and departments. I draw your attention to two examples in the discussion paper where past and ongoing justices are clearly understated. I provide very simple revisions in square brackets.

*"...addressing the ongoing effects of Western Australia's history. European settlement and the policies of successive governments have had enormous [devastating] impacts on Aboriginal people. These impacts [and continued injustices], particularly dispossession and the stolen generations, have left a legacy of trauma and loss that continues to affect Aboriginal people, their families and their communities."*

*"Language, connection to and caring for country [Country], parenting, marriage, religious beliefs, ritual practices, community authority structures, and many other aspects of culture were disrupted, controlled, devalued or [and] prohibited."*

I ask you to reflect on the two phrases and reconsider whether this is the full extent of what we need communicated in the education sector and public school curriculum. If we cannot express truth-telling in the Western Australian Government's Aboriginal Empowerment Strategy I have grave concerns of how this lack of knowledge and truth will filter through all sectors, departments and broader society. Genocide, Frontier Wars, colonisation, invasion, survival, healing, oldest living culture, and sleeping languages and are just a few key words not currently incorporated - that should be.

Truth-telling of past and ongoing injustices against Indigenous people should be recognised in full detail, and also further explored, researched and investigated.

On a final side note, the category in the Principles section "Diversity of people and places" should really be categorised as "Truth-telling of people and places". Diversity is factor but not the principle itself.

## Other considerations

### **Engagement and transparency**

Culture and identity matters. I respect that modern Aboriginal and Torres Strait Islander and multicultural identity varies for each individual but there are those that identify with a Nation, Clan and/or language group and this should be respected. Therefore I feel that it would be appropriate to have localised and responsive community strategies that are developed in parallel with the overall strategy.

Further, based on my professional understanding of community engagement, there is huge scope to expand the process and approach to community engagement and also the way in which you are engaging with the WA community on the Western Australian Government's Aboriginal Empowerment Strategy.

Additionally, the way the Aboriginal Policy and Coordination Unit engages should be transparent. There should be transparency in engagement evidence and data as reflected in the Principles section: *"Evidence should be made available to all participants in decision-making."*

Without current transparency I query the actions you are taking to ensure that this document reaches community and community has time to properly develop a response.

Your anticipated timeframe for community to provide a response was underestimated. Although I note you provided flexibility in the date to provide a response, my personal experience enquiring into the original public comment cut-off point was disappointing, discouraging and frankly insulting. For the record, when I called on 27 February 2020 the Aboriginal Policy and Coordination Unit officer I spoke with joked that *"...people hadn't done their homework in time."* In my view that is unacceptable and inappropriate one-to-one engagement. Respectful, positive and patience engaging should be encouraged.

This discussion paper didn't reach me. I sought it out. Therefore a few questions spring to mind: Who you have outreached to? How many times did you engage? How did you prioritise your outreach and engagement? What was your volunteer outreach output? Where was the media on this? Where was the Public Service Announcement campaign on this?

There should have been a communication/community engagement plan that reached me. And I'll use the following as an example - at the very least I should have been reached via a Facebook channel. If strategically engaged a communication/engagement could have reached me, and quite possibly for free too. If invested and targeted on social media, with the countless Facebook pages and groups I follow and the interest-based interaction I have had, Facebook algorithms would have reached me. Not to mention, combined Australia Bureau of Statistics data, the data that political parties hold and generic State Government data, there could have been a more comprehensive approach for individual and community engagement.

If it is to be a truly "empowered" strategy it should (at the very least) attempt to reach each Aboriginal and Torres Strait Islander person, organisations and communities. Whether an individual, organisation or community chooses to engage with your defined process is another matter.

## **Accessibility**

I believe that translations in local languages of this discussion paper should be provided upfront. It becomes a barrier for an individual to have to make a request for alternative translation. This should not be viewed as 'more work' but simply the right thing to do. Audio recordings should have been readily downloadable, as too a larger font version. I also raise my concerns that this document in its current state is not accessible for people who are colour blind. The graph provided in the Strategic Elements section 4 'Investing more in preventative and early intervention initiatives' could have used the same graphic design circle elements on the discussion paper cover page for consistency and readability.

## **Social reinvestment**

I have only been recently introduced to the term 'social reinvestment'. I understand that it is a holistic and evidence based approach to improving community safety, the wellbeing of families and individuals, and reducing the number of people we send to prison. I suggest that the Aboriginal Policy and Coordination Unit consider incorporating elements of this. You can read more on it here: <https://www.socialreinvestmentwa.org.au>

## **Sovereignty and treaties**

Sovereignty and treaties are not broached in this discussion paper. This should be immediately revised.

First Nations treaties do not seek to separate Indigenous groups from the wider colonial state, but rather to reach an agreement for coexistence which recognises the inherent and inextinguishable sovereign rights of First Peoples.

Research from North America has shown that First Nations with treaties are best able to enact self-determination, which has great positive economic and social impacts not just for the indigenous community, but also for the settler society; A treaty can give settler populations a sense of belonging, as they are no longer living on stolen land without consent.

Australia is the only Commonwealth country without a First Nations treaty. On a state level, I'm sure you are familiar that the Parliament of Victoria has entered into treaty discussions, although deeply rooted into western process. And also familiar that the Indigenous Land Use Agreements (ILUAs) in Western Australia that are not a form of treaty.

Treaties can only be conducted between two sovereign parties. To legally occupy territory, there can be no claims of sovereignty over it. Indigenous sovereignty has always existed as it has not legally been extinguished by the colonizers.

As the Aboriginal and Torres Strait Islander Commission (ATSIC) wrote in 1991:

*"While Australian law has now recognised that Indigenous peoples were here at the time of invasion, there has been nothing set in place to formalise the terms of that relationship or address the fact that there was no consent or agreement."*

I feel at this point in my response that is important to express that I do not have Aboriginal or Torres Strait Islander heritage. I was born in Albany (boodja to the Mineng clan) and I have a strong sense of connection to Country. The terrible bushfires we have witnessed and the current health crisis we face exacerbate the need to continue to advocate for Indigenous rights (which is inherently connected with environmental rights.) Sovereignty of First Peoples was never ceded. This always was and always will be Aboriginal land.

If the Western Australian Government acknowledges the Traditional Owners of the Lands and pays respects to Australia's First Peoples, the world's oldest continuing culture, I believe that the Western Australian Government's Aboriginal Empowerment Strategy should recognise this and explicitly reflect self-determination in the goal.

So, how do we move forward from here?

Yours in solidarity,



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27 March 2020

I believe in the rights of all peoples and recognise and celebrate the continuing care for Country, knowledge and connection to land, sea and community of Aboriginal and Torres Strait Islander Peoples.