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28 February 2020

KALACC Response to the WA Aboriginal Empowerment Strategy

Dear Kate

Thank you for sharing with KALACC ***A Path Forward, Developing the Western Australian Government's Aboriginal Empowerment Strategy***. KALACC valued the opportunity of providing you with feedback on the confidential draft, back in August 2019, and we now value the opportunity of providing feedback on the public version of the Discussion Paper.

We stand somewhat at a watershed moment in Aboriginal Affairs in Australia and in Western Australia. At the Commonwealth level on 12 February 2020 the Prime Minister delivered the ***2020 Close the Gap Report*** and in his address to Federal Parliament he said that as a nation we were closing the book on mainstreaming and that we were now opening a new book called shared decision making. His speech writer was keen to maximize the use of the words: 'together' and 'partnership.' The nub of his address to Parliament on 12 February is as follows:

Despite the best of intentions; investments in new programs; and bi-partisan goodwill, Closing the Gap has never really been a partnership with Indigenous people.

We perpetuated an ingrained way of thinking, passed down over two centuries and more, and it was the belief that we knew better than our Indigenous peoples.

We don't.

We also thought we understood their problems better than they did. We don't. They live them.

We must see the gap we wish to close, not from our viewpoint, but from the viewpoint of indigenous Australians before we can hope to close it, and make a real difference....

Mr Speaker, today I make the final report on an old approach, as well as the first report of a new era. <https://www.pm.gov.au/media/address-closing-gap-statement-parliament>

KALACC met on 21 January 2020 with the Hon Ken Wyatt, Minister for Indigenous Australians, and we discussed the Minister's August 2019 invitation for KALACC to provide to him a proposal for a major research project to build the evidence based around the connection between Aboriginal culture and wellbeing. In December 2019 KALACC and the ANU Centre for Aboriginal Economic Policy and Research [CAEPR] provided a draft proposal to the Minister. In that draft proposal CAEPR writes as follows:

In recent years, the centrality and inclusion of First Nations' peoples and cultures into national policy design and frameworks have been gaining momentum, representing a significant shift in policies and thinking which previously framed culture as both a barrier and a problem to improving outcomes for First Nations. There should be no dispute that culture matters, the question that remains is how does culture matter in the Kimberley where revitalisation and maintenance of culture is central to the healing of the First Peoples against the backdrop of intergenerational trauma from colonisation?

KALACC is deeply encouraged by the broad strategic directions that are being outlined across the following processes:

- **Close the Gap Refresh**, and the change from the deficits based mainstreaming ideology of the last decade to a new strengths based philosophy and a practice based around shared decision making;
- **2013 – 2023 Aboriginal Health Plan, Revised Implementation Plan**, and in particular the **Partnering Framework**, which places Culture at the centre of health and wellbeing, and embeds the social determinants of health and the cultural determinants of health as central elements of the **Implementation Plan**;
- **WA Aboriginal Empowerment Strategy Discussion Paper**, and in particular Strategic Element # One: Putting Culture at the Centre.

There is no doubt that State and Commonwealth Governments, separately and in unison, are heading in the right direction. However, you will readily understand and appreciate the huge pent up frustration from 12 years of failed paternalism in the mainstreaming era. It all got a bit too much Senator Patrick Dodson on 12 February. In the Senator's speech in Parliament that night following the release of the **2020 Close the Gap Report** he stated as follows:

Now we have the torment of this government's sluggishness as it crawls to develop a new 10-year framework for closing the gap. The process is called the Closing the Gap Refresh. It began in the federal bureaucracy two years ago, and there's no outcome yet. Much money has been spent on travel and talkfests, expensive consultants have come and gone, and still we have no new

framework.... And all the Prime Minister can say to justify this protracted process of drawing up a new framework is that getting it right is worth the time it takes. I'm not fussed about getting it right; what worries me is the lack of urgency.

Indeed, yes the lack of urgency.

The latest Working Group meeting to the Kimberley Suicide Prevention Trial was held in Broome on 21 January 2020 and was Chaired by the Hon Ken Wyatt. At that meeting KALACC launched the **Kimberley Aboriginal Caring for Culture Plan**. This plan contains the following five recommendations:

1. Investment in Aboriginal Controlled Community Organisations to maintain, celebrate and prioritise culture in all its forms
2. Consolidated targeted investment in Aboriginal languages and language maintenance outcomes as a strategic priority area
3. Prioritised investment and support for Kimberley Aboriginal organisations to provide regular regional and local forums for the sharing of cultural knowledge and practice, the building of capability and to network in key areas of activity
4. Investment in the development of cultural outcome indicators and measures that Aboriginal people define, which would relate to such things as types of cultural participation and opportunities to connect with Country and family, and language maintenance and revival
5. A response by the WA Government to the gaps and opportunities identified in this report, and all those of the 2016 **Message Stick Report**, KALACC's 2017 **Cultural Solutions Position Paper** and State Coroner Fogliani's 2019 **Coronial Inquest Findings Report**.

KALACC notes the 40 reports referred to in the **Message Stick Report**, and we note the words of Parliamentary Committee Chairman Dr Graham Jacobs in his Chairman's Foreword:

the most important, yet least enacted [recommendations from the 40 reports], were about the role of Aboriginal culture, both as a primary protective factor building resilience in young people, and also ensuring that programs and services are culturally appropriate.

The **Message Stick Report** refers to some 40 reports recommending support for cultural programs and KALACC can identify no fewer than 9 major Government reports calling on the Government to fund the Yiriman Project. Of these 9 reports, the **Message Stick Report**, which contains a two page profile of Yiriman as an exemplar of best practice, is report number 7. And the **Coroner's Report** of February 2019, which contains two specific recommendations around supporting Yiriman, is report number 8.

The WA Government is committed to releasing in the near future a **Statement of Commitment on Aboriginal Youth Wellbeing**. The earlier May 2019 **Statement of Intent on Aboriginal Youth Suicide** contained some 86 recommendations, two of which related to supporting the Yiriman Project.

KALACC applauds the broad strategic directions of the **Aboriginal Empowerment Strategy Discussion Paper**. Indeed, yes, culture absolutely does need to be located at the centre of the *Aboriginal Empowerment Strategy*. Over 40 reports over the last 15 years have said this. We can add to that KALACC's 2017 **Cultural Solutions Position Paper** and the January 2020 **Kimberley Aboriginal Caring for Culture Plan**.

But an early test of the Government's commitment to putting culture at the centre will come with the Government's release of the **Statement of Commitment on Aboriginal Youth Wellbeing**. KALACC, and communities across the Kimberley, will be expecting to see that **Statement of Commitment** responding tangibly to all of the reports from 2006 through to 2019 calling on Government to fund the Yiriman Project.

Senator Dodson bemoans the Commonwealth's sluggish pace of crawling towards a new Close the Gap Framework. The people of the Kimberley have called for the Yiriman Project to be funded – across no fewer than 9 different Government reports dating back to 2006.

We applaud the Government for its commitment to 'putting culture at the centre' and KALACC and Yiriman look forward to working with the Government to enable this happen through near – term commitments to building the capacity of long established Kimberley ACCOs delivering hugely important cultural outcomes to the people of the Kimberley.

Regards



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"To assist and promote the ceremonies, songs and dance of Kimberley Aboriginal people, to encourage and strengthen their social, cultural and legal values and ensure their traditions a place in Australian society."

June Oscar – Foreword to the Kimberley Aboriginal Caring for Culture Plan

Culture underpins all of who we are. It is both what we learn, and the framework for how we live and engage with each other and our surrounds. Culture constructs our society and identities, our strength, self-worth and resilience, and in times of great sadness – of trauma, loss and grief – culture heals us. The Kimberley region is home to 30 distinct Aboriginal groups that practices culture in diverse and vibrant ways. Our traditions and languages that connect us to Country and each other come from a deep lineage of ancestral knowledge and strength.

The ***Kimberley Aboriginal Caring for Culture Plan*** captures this remarkable heritage. It reflects the powerful leadership that has always been present in the Kimberley in keeping our culture alive and protected. In 1984, our people from diverse traditions across the Kimberley gathered at Ngumpan. At this historic bush meeting, we recognised that alongside our rights to our land we must protect and practice our Law and culture. We stood for our rights to be on Country, to speak our languages, and to be in control of our knowledge and resources. As a result, we established the Kimberley Aboriginal Law and Cultural Centre, the Kimberley Language Resource Centre, and Magabala Books, the first and now longest running Aboriginal publishing house in Australia.

Since then, we have been a part of achieving the extraordinary legal milestone of Native Title which destroyed the myth of Terra Nullius, and we have established and strengthened our many community-controlled organisations. The ***Kimberley Aboriginal Caring for Culture Plan*** reminds us of these achievements and the ways in which we continue to thread culture into every aspect of our lives.

The ***Initial Consultation Report*** provides an overview of over 60 Kimberley community-controlled organisations that work across every sector from health, justice and education to arts, enterprise, women’s supports, childcare, land management and aged care, amongst many others. These organisations, led by our people and built on our cultural values and principles, deliver vital culturally-based services and programs designed to maintain, strengthen and revitalise our culture.

The ***Kimberley Aboriginal Caring for Culture Plan*** is not for the shelf. It will sit alongside other major reports and recommendations which acknowledge that our people on the ground and our community organisations have the solutions. Central to our solutions is caring for our culture.

It is time that Governments and policy-makers work with us. We have to respond to these reports and this plan so we can invest in community-led solutions over the long-term. In being supported to practice and care for our culture in everything we do our distinct rights as Indigenous Peoples are realised. When our culture is strong, we are strong. We can maintain the transference of knowledge to all our children, and revitalise generational success, health and wellbeing.

Our culture, practiced in our homes, families and communities and supported by our organisations, brings about the future we all want – a future self-determined by our people.

Yaninyja.

Thank you.

June Oscar AO, Aboriginal and Torres Strait Islander Social Justice Commissioner

KALACC Recommendations Regarding The Aboriginal Empowerment Strategy

- 1. Soft Cultural Infrastructure in the Kimberley:** The Kimberley Language Resource Centre [KLRC] and the Kimberley Aboriginal Law and Culture Centre [KALACC] have existed since 1985 and for them to fulfil their missions the State Government needs to provide significant levels of support to these two important organisations.
- 2. Hard Cultural Infrastructure in the Kimberley:** The current offices of KALACC are in no way fit for purpose. The final *Fitzroy Crossing Cultural Centre Business Case* was provided to the State Government in July 2019. Much of the capital cost will be borne by the Commonwealth, but the State needs to commit to a process of bringing interested parties together to advance this project.
- 3. Yiriman Consolidation Plan:** The *Yiriman Consolidation Plan* was provided to the State Government in July 2019. This Plan is consistent with two of the recommendations from the *Coroner's Report*. Yiriman was also highlighted and profiled within the *Message Stick Report*. The State needs to commit to supporting the *Yiriman Consolidation Plan*.
- 4. Kimberley Juvenile Justice Strategy [KJJS] Co-Design:** The Department of Justice has written to KALACC in February 2020 acknowledging that the relationship across 2019 was one of Consultation, not Co – Design. KALACC has invited the Director General Dept of Justice to attend the March 2020 KALACC Board meeting to discuss the nature of any future relationship and to discuss what Co – Design between our two organisations would actually look like. The WA Department of Justice needs to honor its April 2019 undertakings for KALACC to be Co – Owners and Co- Designers of the KJJS.
- 5. State- wide Aboriginal Cultural Policy:** The final recommendation from Coroner Ros Fogliani reads as follows: “The Western Australian Government develop a state-wide Aboriginal cultural policy that recognises the importance of cultural continuity and cultural security to the wellbeing of Aboriginal people in this State.” The Coroner’s recommendation needs to be implemented
- 6. Trial a Cultural Investment Strategy:** In May 2016 the WA Department of Culture and the Arts published a Discussion Paper - *Investing in Aboriginal Culture: The role of culture in gaining more effective outcomes from WA State Government services*. That Discussion Paper recommended that a Cultural Investment Strategy be trialled in one region. That region clearly needs to be the Kimberley and the government needs to commit to such a trial in the Kimberley.

Recommendations in the *Kimberley Aboriginal Caring for Culture Plan*

1. **ACCOS:** Investment in Aboriginal Controlled Community Organisations to maintain, celebrate and prioritise culture in all its forms
2. **Languages:** Consolidated targeted investment in Aboriginal languages and language maintenance outcomes as a strategic priority area
3. **Culture Forums:** Prioritised investment and support for Kimberley Aboriginal organisations to provide regular regional and local forums for the sharing of cultural knowledge and practice, the building of capability and to network in key areas of activity
4. **Cultural Indicators:** Investment in the development of cultural outcome indicators and measures that Aboriginal people define, which would relate to such things as types of cultural participation and opportunities to connect with Country and family, and language maintenance and revival
5. **Gaps and Opportunities:** A response by the WA Government to the gaps and opportunities identified in this report, and those of the *Cultural Solutions Paper*, *Message Stick Report*, and the 2019 Coroners Report.

[The *Kimberley Aboriginal Caring for Culture Plan* was officially launched at the 21 January 2020 Working Group Meeting to the Kimberley Aboriginal Suicide Prevention Trial]

[KALACC's *Cultural Solutions: Shared Pathways for Engagement and Achieving Durable Outcomes in the Kimberley Region* was published in September 2017. A list of Recommendations from that document is attached as Appendix One to this present document.]



KALACC

Cultural Domains and Activities



1. Strategic Element #1 - Putting culture at the centre

Supporting Aboriginal people's cultural identities, cultural continuity and cultural authority

The WA **Aboriginal Empowerment Strategy** states as follows:

Key ideas:

- a) Valuing, celebrating and promoting Aboriginal peoples' cultures, languages, relationships to country, knowledge, and heritage.
- b) Recognising the importance of culture to people's wellbeing and resilience, and the impacts of past government actions on Aboriginal people's connection to culture and country.
- c) Using agreements between the Government and traditional owner groups to recognise and support Aboriginal people's cultural identity, cultural continuity, and connection to country and heritage.
- d) Improving the public sector workforces cultural competence and responsiveness, and ensuring Aboriginal people are well represented and supported at all levels of the public sector, including management and executive.
- e) Reviewing and making necessary changes to systems and services to ensure they build on Aboriginal people's cultural strengths to improve outcomes.
- f) Investing in initiatives that support cultural identity, continuity and authority – including through native title and land settlements, language and heritage.

These key ideas are very productive in setting the right directions for the future. Since 2005 Australia has pursued an Indigenous Affairs agenda based around deficits discourses and culture has been entirely peripheral to Indigenous Affairs policy across the last 14 years. Culture is the Compass and it shows us the way forward. It is essential towards mapping out a strengths - based Indigenous agenda within what the Prime Minister describes as a new era of shared decision making.

Of course this is not in any way a blank slate. The **Crocodile Hole Report** was published in September 1991. More recently KALACC published the following:

- **Cultural Solutions: Shared Pathways for Engagement in the Kimberley** (2017)
- **Kimberley Aboriginal Caring for Culture Plan** (2020)

In a recent article published in the Guardian newspaper Social Justice Commissioner June Oscar offers her vision for 2020. In this article she states as follows:

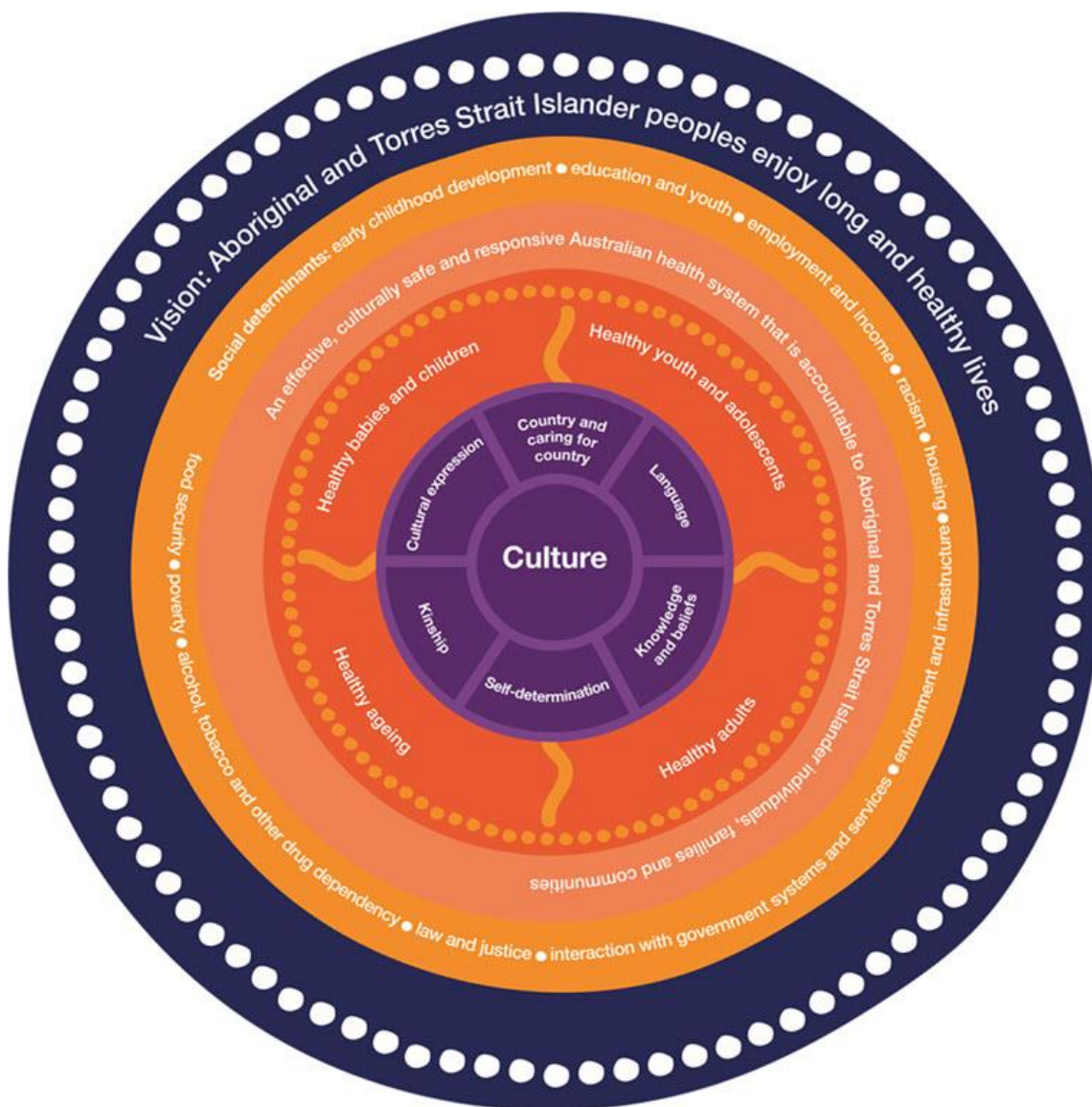
For 60,000 years plus we have sustained a cohesive and resilient society. We have the most extensive kinship network in the world and through a system of law, ceremony and song we have transferred a huge body of knowledge, including important principles of collective and common humanity, from generation to generation. There is much to celebrate but it is not celebrated – it is not even recognised.

<https://www.theguardian.com/australia-news/2020/jan/31/june-oscar-2020s-vision-reaching-our-potential-as-a-nation-begins-with-truth-telling>

In November 2017 the WA Parliament published the **Message Stick Report**, which told us that nothing worked better than culture and that Governments had a strong aversion to funding culturally based programs. And in February 2019 WA Coroner Ros Fogliana brought down her **Coronial Inquest Report** in which she states as follows on page 56:

There is a wide and respected body of research that establishes the relevance of cultural continuity to the formation of a person’s identity and their own drive for self-continuity. In other words, it can help to prevent suicide. It is a uniquely protective factor that can assist in counterbalancing the social and economic factors giving rise to the vulnerability of young Aboriginal persons in the presence of adversity.

These extrinsic and instrumental values placed upon culture, largely through the relationship between culture and wellbeing, have now become integrated as core elements of Commonwealth Government Health Policy, as evident in the **Revision of the Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013- 2023** <https://www1.health.gov.au/internet/main/publishing.nsf/Content/natsi-implementation-health-plan-revised> The **Partnering Framework** to the revised Health Plan looks as follows:



We note as follows at the centre of the diagram:

- Culture
- Country and caring for Country
- Language
- Knowledge and beliefs
- Self determination
- Kinship
- Cultural Expression.

And the narrative on the Commonwealth Department of Health website states as follows:

“A partnering framework has also been developed to represent the relevance of the policy framework for Aboriginal and Torres Strait Islander peoples, underscoring that culture is at the centre of Aboriginal and Torres Strait Islander peoples’ lives and must be considered across all policies and programs.”

But to move culture from the periphery of Government policy and planning to the centre of Government policy and planning will naturally take a considerable amount of time. There are many useful steps that can be undertaken along this path, and we note that the final recommendation from Coroner Ros Fogliani reads as follows:

The Western Australian Government develop a state-wide Aboriginal cultural policy that recognises the importance of cultural continuity and cultural security to the wellbeing of Aboriginal people in this State.

Developing such a state-wide Aboriginal cultural policy would be extremely useful, worthwhile and is completely necessary.

In May 2016 the WA Department of Culture and the Arts published a Discussion Paper - ***Investing in Aboriginal Culture: The role of culture in gaining more effective outcomes from WA State Government services***. This State Government Discussion Paper states as follows:

- In terms of broad socio-economic outcomes, there is a substantial and growing body of academic and case evidence that Government programs or services targeted towards improving outcomes for Aboriginal people on a range of social and economic issues will be more effective if delivered within an environment where Aboriginal culture is recognised, valued and resilient. [page 4];
- The Combined Federal and State Government funding on direct Aboriginal cultural activity in Western Australia was reported by the Productivity Commission at \$36.40 million. This represents 0.74 per cent of the combined total Federal and State Government expenditure on Aboriginal services in 2012-13 in the state. [page 19].

The key ideas contained in the **Aboriginal Empowerment Strategy Discussion Paper** are very worthwhile ideas, but for as long as the investment in Aboriginal arts and culture in WA represents less than one percent of the combined total Federal and State Government expenditure on Aboriginal services in the state then we won't see real change and we won't see meaningful improvement in outcomes for Aboriginal people. This business of real structural and systemic change is very challenging. There are now many reports calling for culture to be prioritised. But how can Government achieve this? The WA Department of Culture and the Arts Discussion Paper recommends as follows:

- **A. Culture Investment Strategy.** The development of a trial program in geographically targeted areas of high social dysfunction incorporating general Aboriginal cultural engagement and new culturally based programs that specifically target areas of consistent poor outcomes.
- **B. Targeted and coordinated arts actions** linked to outcomes sought in health, education, youth justice and Aboriginal employment services in areas governed by the Regional Services Reform Program. This could be supported through Royalties for Regions in partnership with Native Title Trusts.

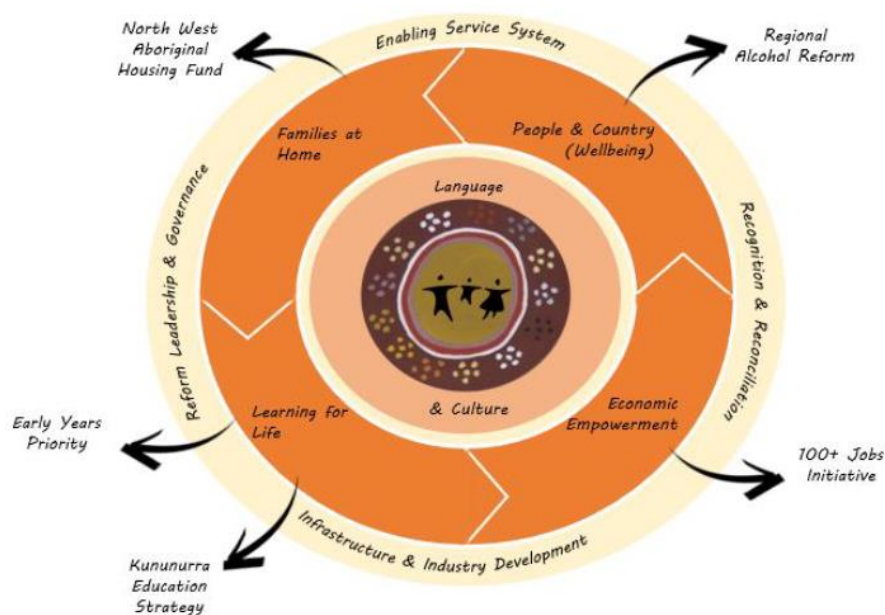
The **Aboriginal Empowerment Strategy** contains the following key ideas:

- Valuing, celebrating and promoting Aboriginal peoples' cultures, languages, relationships to country, knowledge, and heritage.
- Investing in initiatives that support cultural identity, continuity and authority – including through native title and land settlements, language and heritage.

Implementing these key ideas will in no way be easy. But this is not a blank slate and there exists both within Government and within the Aboriginal community sector clear plans and strategies of how these key ideas can be implemented. The **East Kimberley Regional Development Agenda** is described as follows:

Regional Development Agenda: our first priorities

We have identified priorities in the Regional Development Agenda and have started working with partners to co-design and deliver aligned initiatives.



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[BBY: **East Kimberley Regional Development Agenda**, September 2019, page 7]

The **East Kimberley Regional Development Agenda** is illustrative of the fact that within Aboriginal communities there are advanced planning processes in regards to collaborative community planning. It is also illustrative of the centrality of culture to these planning processes. There are clear pathways which the WA Government can follow in regards to implementing key ideas around valuing and investing in initiatives that support cultural identity, continuity and authority.

A number of specific immediate actions can be taken in the near term to ensure that cultural identity, continuity and authority are valued and supported, and these specific immediate actions include:

- 1. Soft Cultural Infrastructure in the Kimberley:** The Kimberley Language Resource Centre [KLRC] and the Kimberley Aboriginal Law and Culture Centre [KALACC] have existed since 1985 and for them to fulfil their missions the State Government needs to provide significant levels of support to these two important organisations.
- 2. Hard Cultural Infrastructure in the Kimberley:** The current offices of KALACC are in no way fit for purpose. The final Business Case for the proposed Fitzroy Crossing Cultural Centre was provided to the State Government in July 2019. Much of the capital cost will be borne by the Commonwealth, but the State needs to commit to a process of bringing interested parties together to advance this project.
- 3. State- wide Aboriginal Cultural Policy:** The final recommendation from Coroner Ros Fogliani reads as follows: “The Western Australian Government develop a state-wide Aboriginal cultural policy that recognises the importance of cultural continuity and cultural security to the wellbeing of Aboriginal people in this State.” The Coroner’s recommendation needs to be implemented
- 4. Trial a Cultural Investment Strategy:** In May 2016 the WA Department of Culture and the Arts published a Discussion Paper - ***Investing in Aboriginal Culture: The role of culture in gaining more effective outcomes from WA State Government services***. That Discussion Paper recommended that a Cultural Investment Strategy be trialled in one region. That region clearly needs to be the Kimberley and the government needs to commit to such a trial in the Kimberley.

June Oscar's Vision for 2020

As First Australians, Aboriginal and Torres Strait Islander peoples have a remarkable living history. For 60,000 years plus we have sustained a cohesive and resilient society. We have the most extensive kinship network in the world and through a system of law, ceremony and song we have transferred a huge body of knowledge, including important principles of collective and common humanity, from generation to generation. There is much to celebrate but it is not celebrated – it is not even recognised.

For too long there has been denial about Indigenous society, knowledge systems and our existence in Australia before European arrival. The continuation of this legacy of denial is why we continue to experience marginalisation, and structural and systemic discrimination at all levels across different sectors in our own country.

There is a pervasive refusal in Australia to see the past replicated in present structures. We cannot begin to fix the many issues that affect Aboriginal and Torres Strait Islander people until we end this denial.

<https://www.theguardian.com/australia-news/2020/jan/31/june-oscars-2020s-vision-reaching-our-potential-as-a-nation-begins-with-truth-telling>

2. Strategic Element # 2: Bringing decisions closer to communities through empowered engagement and agreement-making

Strengthening or developing structures to enable more decisions to be made at the regional or local level, enabling greater involvement by Aboriginal people in decision making, and using negotiated agreements to further Aboriginal people's priorities.

The WA *Aboriginal Empowerment Strategy* states as follows:

Key ideas

a) Improving government processes and structures to allow more decisions to be made at the regional or local level, including decisions about:

- developing policy and system reforms;
- commissioning services, including shared with other agencies; and
- coordinating service delivery,
- and ensuring data (including expenditure data) is available at the relevant scale.

b) Ensuring Aboriginal people have a formal and systematic role in decision-making processes, encompassing:

- clear identification of who should be involved and why;
- different levels of involvement for different types of decisions, from advisory to participation to partnership;
- different roles for subject-matter expertise (eg health, education, economic development, trauma and healing etc), cultural authority, and community representation; and
- appropriate supports or processes to accommodate language or cultural barriers to participation.

c) Recognising and supporting Aboriginal leadership, representation and engagement, including through:

- formal recognition of, and where necessary establishment of, regional structures that represent Aboriginal people; and
- supporting strong and accountable governance in remote communities.

d) Using negotiated agreements between the Government and traditional owner groups as a collaborative platform for linking Aboriginal people's priorities to resourcing and other cross-government actions.

KALACC notes that one of the Aboriginal Advocacy Reports listed in the *Aboriginal Empowerment Strategy Discussion Paper* is the *Final report of the Indigenous Implementation Board* (2011). The IIB Report starts with the important affirmation that:

the ongoing philosophy of assimilation that is obvious if unstated in underpinning “overcoming disadvantage” and “closing the gap” programs may be a contributor to growing Aboriginal alienation and dysfunction.

[Page 1]

The IIB Report also states:

The Board also recognises that the deliberate and sustained erosion of Aboriginal culture over many years and attempts to replace it with layers of corporate structures makes this empowerment a task of considerable complexity. [page two]

The Board believes that the only way that Indigenous disadvantage can be addressed is to deliver a paradigm shift that will see strong engagement and involvement of Aboriginal people with other stakeholders to collectively consider the development of Western Australia. The empowerment and involvement of Aboriginal people needs to be on a cultural and regional basis. For these reasons the Board has consistently advocated for regional governance where Aboriginal people are represented and have a voice in determining economic and social priorities and the way that services are delivered. [page 29]

KALACC naturally supports the notion of “bringing decisions closer to communities through empowered engagement and agreement-making.” But if we are honouring the first Strategic Element ie Putting Culture at the Centre, then where are the elders and the cultural custodians within that decision - making process?

In 2020 Barrister George Irving posited a bicameral system of local governance and decision making in which younger Western – educated people made decisions relating to the mundane and everyday aspects of community life and the elders and cultural custodians sat in a Senate or a house of review, to ensure that cultural governance is adhered to. This model has considerable merit and elements of the model are being explored by KALACC within our major, multi – year Trade Routes project.

KALACC is currently working with the senior knowledge holders, the ancients and the law holders for three states ie WA, NT and SA. This is within the context of KALACC’s major Trade Routes Project. Many of the outcomes from this nationally significant project are closed and private and pertain to ceremony and to cultural governance and to rebuilding the fabric and the bedrock of cultural and community governance which has been so heavily impacted by the processes of colonisation.

June Oscar has recently written as follows:

There is much to celebrate but it is not celebrated – it is not even recognised.

For too long there has been denial about Indigenous society, knowledge systems and our existence in Australia before European arrival. The continuation of this legacy of denial is why we continue to experience marginalisation, and structural and systemic discrimination at all levels across different sectors in our own country.

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The people who are most marginalised are the elders, the knowledge holders, the living libraries of Aboriginal culture. The default position of Governments is to seek out middle aged Western education leaders and CEOs of Aboriginal organisations. This is the easy path. This is the path that requires minimal cross – cultural translation from Government. And it entirely marginalises the most important people.

If Government is not talking with CEOs, then it is exceedingly keen to 'capture the voice of youth'. KALACC has lost track of the number of 'youth – led processes' which Governments are keen to support. When will Government be keen to sit down in the dirt, under a tree and engage in an 'elder – led process?' Because if we are serious about 'putting culture at the centre' then we have to be serious about putting the elders at the centre of decision making.

There is a vast amount of academic material published on the topic of Indigenous Governance and on top of that there are long histories of reports from organisations such as the Human Rights Commission and Reconciliation Australia. In order to develop models of how to strengthen or developing structures to enable more decisions to be made at the regional or local level, enabling greater involvement by Aboriginal people in decision making, government needs to start with the structures that have been in place for 60,000 years. And Government needs to take heed of the findings from the volumes written on this topic. The Indigenous Governance Toolkit is a portal summarising much of this guidance and knowledge and the Toolkit states as follows:

“KALACC is the vehicle for the elders and cultural bosses of the Kimberley region to express their views on a range of topics and to advocate for the importance of culture.”

KALACC represents themselves through a simple diagram of concentric circles.

“At the very core are the senior cultural bosses, the law men and women of the Kimberley. These people may not be KALACC Directors but they are KALACC members and they are our clientele. The next circle out is the middle aged to elder group who are themselves cultural leaders and who liaise closely with the inner circle of cultural bosses. The next circle out are the staff and others associated with the organisation who are tasked with the responsibility of enacting the wishes of the Directors. Next circle out is the broader membership of the Kimberley. And the final circle is the outside world”.

There are many reasons why KALACC believes its governance model works so well, but at its core is the fact that they have a very clear sense of who they are and what they do.

<https://toolkit.aigi.com.au/case-studies/kimberley-aboriginal-law-and-culture-centre>

The key question if we are truly putting culture at the centre when we seek to bring decision making back to the regions is, where are the senior cultural custodians, knowledge holders and the law bosses situated within decision making processes?

3. Strategic Element #3: Enabling Aboriginal-led solutions through improved service commissioning and grant-making

Changing the way services are designed, funded, and procured to:

- i) significantly increase the involvement of Aboriginal community-controlled organisations; and**
- ii) support the development of Aboriginal community-controlled organisations' capacity to deliver services to their communities**

The WA ***Aboriginal Empowerment Strategy*** states as follows:

Key ideas

a) Improving service-commissioning and grantmaking processes to significantly increase the involvement of Aboriginal community controlled organisations in the types of services mentioned above.

- Areas to explore include the size, scope and geographic coverage of contracts, the lead-time for new contracts and grant rounds, the processes for advertising contracts and grants, pre-qualification requirements, restricted tenders, and weighted factors for procurement decisions.
- Where partnership or consortium approaches are used, commissioning agencies can take active steps during the commissioning and contract-management stages to ensure that ACCO partners have sufficient influence to deliver the effectiveness and self-determination objectives described above.

b) Supporting the development of Aboriginal providers' organisational capacity.

- This may include consideration of the length of contracts and sequencing of work across contracts, and in some cases partnership with larger non-Aboriginal providers.
- Where services are delivered by ACCOs and non-ACCOs in partnership, commissioning agencies should seek information about the partners' plans for gradually increasing ACCO capacity, including plans for transitioning to ACCO only delivery (where appropriate).
- It is also recognised that ACCOs are well-placed to improve the capacity of government and non-ACCO service providers in delivering culturally responsive services to Aboriginal clients.

On 12 February 2020 the Prime Minister delivered the **2020 Close the Gap Report** and in his address to Federal Parliament he said that as a nation we were closing the book on mainstreaming and that we were now opening a new book called shared decision making. His speech writer was keen to maximize the use of the words: ‘together’ and ‘partnership.’ The nub of his address to Parliament on 12 February is as follows:

Despite the best of intentions; investments in new programs; and bi-partisan goodwill, Closing the Gap has never really been a partnership with Indigenous people.

We perpetuated an ingrained way of thinking, passed down over two centuries and more, and it was the belief that we knew better than our Indigenous peoples.

We don’t.

We also thought we understood their problems better than they did. We don’t. They live them.

We must see the gap we wish to close, not from our viewpoint, but from the viewpoint of indigenous Australians before we can hope to close it, and make a real difference....

Mr Speaker, today I make the final report on an old approach, as well as the first report of a new era. <https://www.pm.gov.au/media/address-closing-gap-statement-parliament>

On 10 April 2019 Mr Adam Tomison, Director General, Department of Justice, wrote to KALACC inviting KALACC to be the Co – Designers and Co – Owners of the *Kimberley Juvenile Justice Strategy* [KJJS]. In February 2020 the Department has written to KALACC stating that what occurred across 2019 had not in fact been a Co – Design Process but had merely been a consultation. This is something which KALACC had known almost from the moment that we embarked on our involvement in the KJJS work. It readily became apparent to KALACC that the Department of Justice had limited understanding of, and apparently limited commitment to:

Changing the way services are designed, funded, and procured to:

- i) significantly increase the involvement of Aboriginal community-controlled organisations; and
- ii) support the development of Aboriginal community-controlled organisations’ capacity to deliver services to their communities.

The ***Kimberley Juvenile Justice Strategy*** had in fact been written in full by the Department of Justice across a detailed 28 page document developed in May 2019, two months before KALACC became involved in the KJJS. The December 2019 ***draft KJJS Business Case*** closely adheres to and aligns with the KJJS document written by the Department, with no involvement from KALACC, in May 2019. There is no sense in this process of KALACC having been the Co – Designer or of KALACC having been the Co – owner of the KJJS.

In this kind of situation, one can only go back to basics and look at what the principles at play are. Aboriginal people get consulted to death and always have been. And across 2019 through the KJJS processes and with KALACC’s involvement, the people of the Kimberley have now been consulted yet again. But in fact what Aboriginal people want is to be empowered to own and deliver programs – not yet more talk. In September 2006 the Law Reform Commission published its ***Customary Law Report***, and in Chapter 2 to that Report the Commission provides a set of *Guiding Principles*. We note that consultation is simply one element of one of the nine *Guiding Principles* espoused by the Commission. Of much more importance than mere consultation, the Law Reform Commission espoused the following:

- Collaboration, cooperation and consultation
- Community-based and community-owned initiatives
- Respect and empowerment of Aboriginal people

The Prime Minister has closed the book on mainstreaming and has announced a new dawn, in an era of shared decision making. But the actions of the WA Department of Justice across 2019, which they have recently acknowledged as being just yet another consultation process, starkly illustrates that this new dawn has not yet risen and that entrenched old ways of doing business with Aboriginal communities will be very hard to get rid of.

Given the huge forces promoting stasis and status quo and aligned against change one of the exciting and promising opportunities for Aboriginal communities is the Empowered Communities [EC] processes of the Commonwealth Government. The Kimberley region consists of two Empowered Communities regions with BBY being the backbone EC organisation for the East Kimberley and the KLC being the interim backbone organisation for the West Kimberley. KALACC notes **BBY's Partnering Principles**, which include as follows:

3.7 Work together with Aboriginal people to create strong and viable Aboriginal organisations

Non-Aboriginal organisations recognise Aboriginal organisations and communities as lead agents in creating sustainable governance and leadership in Aboriginal communities in Western Australia. Non-Aboriginal organisations agree to work within the structures and processes that provide Aboriginal decision-making control, including formal delegation of power and dedication of self-generated resources to assist with this process.

3.8 Ensure Aboriginal Control, not just consultation

Non-Aboriginal organisations agree that Aboriginal organisations need to drive and have control of development initiatives, services and programs delivered to their communities. This should include having input to decisions regarding resource allocations and staffing.

3.9 Develop a clear exit strategy

If the desired outcome is for local Aboriginal organisations to deliver services or provide a development role, non-Aboriginal organisations are to develop a mutually agreed and transparent exit strategy in consultation with their Aboriginal organisation partners. The exit strategy should, for government contracts, incorporate a succession plan and long-term planning for local Aboriginal organisations to deliver services with appropriate resourcing.


As noted above, nearly none of the Principles espoused by the Law Reform Commission and by BBY have been employed by the Department of Justice in the processes which it followed across 2019 in developing a *Kimberley Juvenile Justice Strategy*. In this context, KALACC is at time of writing seeking to reframe a dialogue with the Department of Justice, to see if KALACC is to have any further role to play in the ongoing development and implementation of the KJJS. KALACC has written to Director General, Adam Tomison, inviting him to the March 2020 KALACC Directors meeting. And we have posed the question to the Department of Justice as to what they understand Co – Design to mean and what appetite for Co – Design they might have.

Not long after KALACC commenced its involvement in the KJJS, we could readily discern that the process was not one of Co – Design and notwithstanding the Director General’s letter of 10 April 2019, KALACC were not in fact to be ‘Co – Owners’ of the KJJS. Given that reality, over the next few months we assisted the department to come to a better understanding of Co – Design, via:

- Workshop on Co – Design led by Dorinda Cox and Louise Giolitto
- Government Policy Documentation on Co- Design – Dept of Finance Policy on Planning in Partnerships
- Non Govt Policy Documentation on Co – Design – WACOSS documents
- Detailed guidance and feedback around elements of the way that the KJJS was currently being implemented.

On a number of occasions, KALACC drew the Department’s attention to the Department of Finance’s **Planning in Partnership Guide: Undertaking Co-Design under the Delivering Community Services in Partnership Policy**. And, in particular, we drew the Department’s attention to the following diagram on page 16 of that document:

Table 2: Levels of engagement and co-design

Levels of Engagement and Co-design		
<p style="text-align: center;">SHALLOW</p>  <p style="text-align: center;">DEEP</p>	Inform	One way ‘push’ or ‘pull’ communication to provide information relating to the perceived needs and/or responsibilities of stakeholders.
	Consult	Limited two-way engagement: organisation asks questions, stakeholders answer.
	Involve	Two-way or multi-way engagement: learning on all sides but stakeholders and organisations act independently.
	Collaborate	Two-way or multi-way engagement: joint learning, decision making and actions.
	Empower	New forms of accountability; decisions delegated to stakeholders; stakeholders play a role in governance.

The Department has in February 2020 written to KALACC confirming that what occurred in 2019 was a Consultation. KALACC has indicated to the Department that we have no interest playing an ongoing role in the KJJS if we are to act as consultants. On 10 April 2019 Director General Adam Tomison wrote to KALACC inviting KALACC to Co – Design and Co – Own the KJJS. In February 2020 KALACC has written to the Department indicating that if they want to have a grounded and genuine dialogue with KALACC, then that can only take place if the Department comes to KALACC and clearly states to KALACC which of the five bands above the Department has an appetite for and an ability to deliver on.

If we are serious about changing the way services are designed, funded, and procured so as to support the development of Aboriginal community-controlled organisations’ capacity to deliver services to their communities, then the WA Department of Justice needs to honor its April 2019 undertakings for KALACC to be Co – Owners and Co- Designers of the KJJS processes.

4. Strategic Element #4: Investing more in preventative and early intervention initiatives

Increasing expenditure on initiatives that improve wellbeing and resilience and thereby reduce the likelihood of contact with acute or crisis services

The WA *Aboriginal Empowerment Strategy* states as follows:

Key ideas

- a) Shifting the balance in expenditure between tertiary or acute services and strength building, preventative, early-intervention initiatives.
- b) Robust evaluation of program evaluation to ensure effectiveness of investment.
- c) In the short-to-medium term, an overall increase in investment in prevention or early-intervention – including (but not limited to) programs focused on strengthening cultural identity and continuity, healing and empowerment initiatives, youth engagement programs, preventative health measures, economic development initiatives, programs focusing on the early years, and initiatives focused on safe and stable housing.
- d) In remote communities, the investment needs are broader, encompassing infrastructure and service models for essential, municipal and housing services; land tenure changes; community governance and administration; and enterprise assistance. This represents not only an investment in the secure foundation for community residents to choose their own futures, but also an investment in the strength and continuity of cultural identity – a key ingredient for success in other areas.

In September 2006 the Law Reform Commission of WA recommended the establishment of Aboriginal – owned and controlled juvenile justice programs. In February 2020, over thirteen years later, we are yet to see this recommendation implemented. There are 135 Aboriginal Medical Services across Australia, each one having a formal MOU with an adjoining hospital or medical clinic. If there are 135 such models across Australia, why do we countenance the delivery of juvenile justice services by the State alone and not through co – delivery between the State and the community?

The Yiriman Project was established in the year 2000 and since that time no fewer than 9 Government reports have recommended that the Government support the Yiriman Project. These reports include as follows:

- **15 May 2008** **Ways Forward Beyond the Blame Game: Some Successful Initiatives in Remote Indigenous Communities in WA.**
WA Parliamentary Standing Committee on Health and Education
- **17 March 2011** **Alcohol Restrictions in the Kimberley: A Window of Opportunity for Improved Health, Education and Housing.**
Parliamentary Standing Committee on Health and Education
- **June 2011** ***Doing Time - Time for Doing Indigenous youth in the criminal justice system***
House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs

- **27 October 2011** **Coronial Inquest Report** from Coroner Alistair Hope, inquiring in to 5 deaths in the community of Balgo.
- **2011 – 2013** Remote Service Delivery Processes. Page 34 of the ***Fitzroy Crossing Local Implementation Plan***
- **2014** ***Overcoming Indigenous Disadvantage Key Indicators 2014 Report***
Productivity Commission
- **2016** ***Overcoming Indigenous Disadvantage Key Indicators 2016 Report***
Productivity Commission
- **November 2016** **Learnings from the message stick The report of the Inquiry into Aboriginal youth suicide in remote areas**
- **February 2019** ***WA Coroner's Report***
- **24 April 2019** **Fitzroy Valley Youth Engagement Strategy**

Why the complete lack of any traction from Government in the face of all of these reports? The ongoing and chronic failures to support the Yiriman Project are a sub – set of the broader, macro policy failures across the mainstreaming era since 2006, which Prime Minister Morrison on 12 February 2020 brought to a close. In the new era of strengths - based Aboriginal policies and shared decision making, the ongoing lack of funding for Yiriman is completely unacceptable.

It is impossible to on the one hand ‘put culture at the centre’ and on the other hand to not fund the Yiriman Project. This is a complete contradiction.

For over 10 years Mr Gary Banks was, as Chair of the Productivity Commission, Australia’s chief measurer and evaluator of what works and what doesn’t work. Writing in the December 2012 edition of Reconciliation Australia’s magazine ***Reconciliation News***, Mr Banks states on page 9 as follows:

Yiriman has struggled to attract sustained financial support. Government funding agencies in particular seemingly find it difficult to fit the Project’s culturally- based model into any of their boxes.

Meanwhile substantial funds are directed to mainstream mental health services which arguably are not addressing the deeper needs of the young.... What has made both Yiriman and NPY successful is that the solutions they have devised and implemented involve their communities and families. They are grounded in an understanding both of the local problems and the likely solutions, something that is hard to achieve from Canberra or the capitals. Really the only challenge these organisations should present for public policy is how to harness and propagate them.

Sadly, more than 7 years after Mr Banks wrote those words State and Commonwealth Governments have not as yet risen to the challenge of harnessing and propagating the Yiriman Project. Instead the raft of reports recommending support for the Yiriman Project has simply grown ever larger. Mr Banks has observed that Government funding agencies find it difficult to fit the Yiriman Project’s culturally- based model into any of their boxes and Finding # 8 [p.57] of the ***Message Stick Report*** was that:

There is increasing evidence that culturally-based programs have the greatest impact in preventing suicide; however, the Western Australian Government has demonstrated reluctance in funding programs of this nature.

The Kimberley Aboriginal Law and Culture Centre services the 30 language groups of the Kimberley region and the Yiriman Project services youth cultural needs of the southern law tradition. Both KALACC and Yiriman are much broader than the town of Fitzroy Crossing. But Fitzroy Crossing is an interesting exemplar of what needs to change if Government is indeed to increase expenditure on initiatives that improve wellbeing and resilience and thereby reduce the likelihood of contact with acute or crisis services. At the present time, neither KALACC nor Yiriman receive any financial support of any form from the State Government for the provision of culturally based youth resilience and wellbeing programs.

KALACC wrote to the Hon Alistair Hope, WA Coroner, in February 2007, thus instigating a major Coronial Inquest process. We were prompted to do so by the 11 deaths by suicide in Fitzroy Crossing across the 12 months of 2006. Let us look at the statistics that apply to Fitzroy Crossing at the present time:

- **School Attendance** – Currently 50% attendance rates. This is the same rate as when Ms Margaret Collins of the Dept of Education provided testimony to Coroner Hope in 2008 ie the attendance rate has not improved one bit over the intervening 12 years
- **Youth Crime** – the *draft KJJS Business Case* lists the following as being services required in Fitzroy Crossing: Legal support for young people, representation of elders on JJTs, on country alternatives for detention, FASD support, youth intervention programs, alternate education programs and employment pathways. KALACC notes that the community is alarmed by the rate of youth crime in the town and has recently held a town meeting to discuss the issue - ***Fitzroy Crossing leads the way against mounting social problems in Kimberley towns***
<https://www.abc.net.au/news/2020-02-07/fitzroy-crossing-leads-way-in-battle-against-grog-and-gambling/11940382>
- **Self Harm and Suicide** – Thankfully, the suicide rate in Fitzroy Crossing today is not as horrific as it was back in 2006. However, that headline rate masks a truly disturbing and horrific rate of self harm which is far and away the worst of any area in the Kimberley. We refer to the February 2020 Report prepared by UWA: ***A Profile of Suicide and Self-Harm in the Kimberley 2013-2018 - a region at risk***. “For 2017/2018 Fitzroy Crossing had an event rate of [deleted] per 1,000, the highest District rate in the Kimberley. Fitzroy Crossing also had the highest hospital attendance rate (Table 8) and the highest death/population rate.” KALACC has deleted the event rate as the UWA report had not yet been publicly released at time of writing this present document.

Collectively across the domains of school attendance, self - harm and suicide, and youth crime, the community of Fitzroy Crossing has an extremely high level of social need. This has been known ever since KALACC wrote to Coroner Alistair Hope in February 2007. There have been no shortage of youth strategies and youth plans for Fitzroy Crossing between 2007 and the present time, including the April 2019 ***Fitzroy Crossing Youth Engagement Strategy***. The actions that have been taken by the State Government include:

- **Dept of Communities** – *2015 Tender Request for Services for Young People at Risk - Fitzroy Valley*: The upshot of this process was to de – fund community youth cultural programs hosted by KALACC and to re- allocate the funding to Garnduwa and the Shire of Derby West Kimberley for the delivery of a Fitzroy Crossing youth hub and a suite of recreational activities;
- **Dept of Justice** – discontinued the Youth Justice Board initiative and in the process discontinued funding to the Yiriman Project.

The ***Yiriman Consolidation Plan*** was provided to the State Government in July 2019. This Plan is consistent with two of the recommendations from the ***Coroner’s Report***. Yiriman was also highlighted and profiled within the ***Message Stick Report***. Increasing expenditure on initiatives that improve wellbeing and resilience, and thereby reducing the likelihood of contact with acute or crisis services, absolutely necessitates the immediate support for the ***Yiriman Consolidation Plan***.

5. Strategic Element #5: Boosting economic opportunities across all areas of Government activity

Finding innovative ways of boosting Aboriginal people’s participation and success in employment and business, with a particular focus on the potential role of land, culture and agreement-making.

The WA **Aboriginal Empowerment Strategy** states as follows:

Key ideas

a) Supply – Support Aboriginal people’s employment and business aspirations.

- Opening horizons – eg showcasing career options and role models for young people; school-to-work transitions; student mentoring.
- Lowering barriers – eg land tenure system and land-use approvals; streamlining regulatory approvals; commercial use of natural resources; addressing infrastructure gaps; residential support for study away from home; ensuring means-tested benefits and services do not penalise or discourage participation.
- Building capacity – eg skills, training, formal education, apprenticeships, scholarships, prison-based initiatives; business assistance and support; enterprise development; corporate capacity building; governance of PBCs and community corporations.
- Facilitating access to capital – eg leveraging native title settlements; incentives for private investment; divesting land assets; direct public investment; assistance in developing finance applications; supporting corporate and philanthropic opportunities.

b) Demand – Expand markets for Aboriginal employees and businesses.

- Direct government demand –
 - Government employment policies and practices (including recruiting, retaining, supporting and promoting Aboriginal employees; work experience and training pathways into the public sector; workforce management policy and industrial relations; providing supportive workplaces and monitoring agency performance, including the number of Aboriginal people in management, executive, and entry-level roles, retention rates, and the reasons people give for leaving their position).
 - Reviewing the scope of certain public sector functions in regional and remote areas, to identify opportunities for “unbundling” work that can be done by local people on country.
 - Government procurement policies and practices, including procurement targets for Aboriginal businesses, both annually and in relation to key projects; and engagement of local contractors or subcontractors for infrastructure and services in remote communities.
 - Expanding opportunities for culturally driven on-country work including environmental services, land management, heritage management, and visitor management.

- Indirect and third party demand – incentives and information for the private sector to increase Aboriginal employment and procurement.
 - Broader market stimulation – eg promoting industries with strong potential for Aboriginal participation; regional infrastructure and tourism investment.
- c) Connect – Connect Aboriginal people with employers and markets.
- Championing, promoting – eg promoting Aboriginal peoples’ unique cultural heritage on the national and international stage; helping businesses recruit, retain and promote Aboriginal workers; helping customers find Aboriginal businesses and vice versa.
 - Coordinating – eg strategic infrastructure investment; regional economic planning; work pipelines across projects and agencies; joined-up tourism experiences; providing guidance to corporate/philanthropic funders.
 - Brokering or facilitating alternative forms of Aboriginal economic participation and partnerships – eg supporting new alternative business models, partnerships and diversified activities that provide work and income opportunities aligned to community capacity and aspirations.

If indeed culture sits at the centre of the ***State Aboriginal Affairs Strategy for Western Australia*** then this also needs to apply to the economic domain as well. We note these following words within the ***Discussion Paper***:

Across remote, regional and urban areas, there are opportunities to build and expand cultural economies. This includes creative artistic outputs (eg visual arts, performance, storytelling, multimedia), cultural maintenance (eg environmental services, language interpreting, cross-cultural consulting), and applied cultural activities (eg producing medicine or cosmetics) – all of which can be further enhanced by tourism. The State Government has a role to play in supporting cultural economies, using the full range of approaches outlined below.

There is considerable existing policy development and thinking in regards to the role of Aboriginal culture in driving economic development, including following:

- ***Investing in Aboriginal Culture: The role of culture in gaining more effective outcomes from WA State Government services***
- ***First Nations arts engage international tourists*** <https://australiacouncil.gov.au/research/first-nations-engage-international-tourists/>
- ***Integrating art production and economic development in the Kimberley***
http://www.dca.wa.gov.au/Documents/New%20Research%20Hub/Research%20Documents/Kimberley%20Research/Kimberley_Survey_Report_Macquarie_University.pdf
- ***2019-20 Budget Offers Slim Pickings for Arts and Culture*** - <https://www.cacwa.org.au/documents/item/930>
- ***DOMESTIC ARTS TOURISM: CONNECTING THE COUNTRY***
<https://www.australiacouncil.gov.au/research/domestic-arts-tourism-connecting-the-country/>

First Nations arts tourism is increasing, reflecting Australians' strong and growing interest in engaging with First Nations arts for their beauty, strength and power, and to understand who we are as a nation. The regions where tourists are most likely to engage with First Nations arts and craft are in regional Australia, and particularly regional areas of the Northern Territory where First Nations arts and craft are driving arts engagement by tourists.

KALACC notes the following short email of 14 February from Mr Duncan Ord, Director General of the Department of Local Government, Sport and Cultural Industries:

Yes it is evident that SA is becoming the National hub City for Aboriginal cultural institutions and is forming significant relationships with WA based communities and artists.

It is somewhat ironic that WA based communities and artists are increasingly viewing Canberra and South Australia as being the natural points of interface with major Aboriginal cultural institutions. The WA Chamber of Arts and Culture has noted as follows in a 19 July 2019 article entitled ***After the Goldrush – a new cultural conversation in the West:***

Recently, the WA Premier launched an Economic Development Framework – Diversify WA with one of the key focus areas being the Creative Industries. The Chamber for Arts and Culture has long argued for the sector to be included in a broader economic framework and our presentation of REMIX Perth over the last three years has promoted this thinking. The hope now is for a meaningful commitment to a long term-strategy that grows the potential of our cultural sector.

The same article goes on to highlight the negative economic and employment outcomes that come from WA neglecting investments in to the arts and cultural sector of the economy:

From 2011-2016, creative employment in Australia grew at nearly twice the rate of the Australian workforce and it is highly likely to continue to grow into the future. Creative employment in Australia grew by 2.3%, compared to a 1.2% annual average growth rate for the total workforce.

However, the rate of creative industry employment growth in WA has tracked below the Australian average. In WA, the average annual growth of total creative employment for the same period was 1.1 % – less than half the rate of the national average. WA also had a lower share of creative employment (3.8%) in 2016, than the Australian average (5.6%).

<https://www.cacwa.org.au/chamber-news/after-the-goldrush-a-new-cultural-conversation-in-the-west>

The decline in the arts and cultural sector of the WA Economy is clearly directly related to chronic underfunding by successive State Governments. The Chamber of Arts and Culture also notes that:

Unfortunately, this budget [2019-20 State Budget] offers little relief to the arts and culture sector which has seen chronic underfunding by successive governments. Arts funding as a percentage of the State budget continues its 17-year decline to the current low point of 0.64%. The cumulative effect of this is a cultural infrastructure urgently in need of maintenance and upgrade to make it fit for purpose, and a sector struggling to keep up with global trends that have seen creative economies become a dynamic source of growth and innovation elsewhere.

Global and national trends recognise the creative sector as a major growth area and see creative skills as a priority area in the future of work. However, Western Australia continues to underperform with the 2016 census showing that the State achieved a 0.7% annual growth in

employment in the creative industries over the five years from 2011 - 2016 – far short of the national average of 2.2%. <https://www.cacwa.org.au/documents/item/930>

It is difficult to see how Aboriginal cultural economies can be built when Governments continue the chronic under- funding of the arts and cultural sectors of the economy. The opportunities are there, and KALACC and other organisations have promoted them for a long time, but Government needs to invest in those opportunities.

KALACC notes the recent signing of the **Northern Australia Indigenous Development Accord** and we note within the Accord the proposal to create a Northern Australian Enterprise and Employment Hub System

<https://www.niaa.gov.au/sites/default/files/publications/northern-australia-indigenous-development-accord.pdf>

The Accord reflects its deeply conservative regional [rail and road] roots and the lack of references to culture and even to tourism are deeply disappointing, but there may be opportunities to use the Accord framework to develop cultural economy outcomes.

Further and broader opportunities may lie with links to Infrastructure Australia, which does seem to understand the need for things other than roads and rail and does understand the need for social infrastructure. KALACC notes the 26 February 2020 release of the latest edition of the Infrastructure Priority List. KALACC also notes the coverage of this by the Guardian newspaper:

Infrastructure Australia listed an Indigenous art and cultural facilities program as a priority in the category of “social infrastructure”, noting the high demand for domestic and international cultural tourism and the role of arts and culture in the economic empowerment of Aboriginal and Torres Strait Islander peoples.

<https://www.theguardian.com/environment/2020/feb/26/environmental-concerns-get-top-billing-in-infrastructure-australia-priority-list-for-first-time>

Beyond the Northern Development Taskforce and Infrastructure Australia, KALACC also notes the National Indigenous Australian’s **NIAA Indigenous Tourism Fund Discussion Paper**. KALACC responded to that **Discussion Paper** in November 2019 and in our submission we noted as follows:

The **NIAA Indigenous Tourism Fund Discussion Paper** discusses the importance of regional tourism, but the paper doesn’t refer to geography and travel costs as being challenges. As such, it is hard to read the Discussion Paper as being anything other than a document which was written in Canberra because the Discussion Paper shows little awareness of Western Australia and very little awareness at of places like the Kimberley. The Discussion Paper shows little awareness of some basic truths and realities of tourist economics in places like Western Australia:

“WA's size and the tyranny of distance have long been seen as negatives when marketing the state as a tourist destination, but Mr Papalia is hoping to turn that around.”

<https://www.abc.net.au/news/2018-10-27/fears-of-fatal-risk-in-wa-push-as-the-road-trip-state/10433482>

KALACC also notes the contents of the Kimberley Development Commission’s **Kimberley Regional Investment Blueprint**. In particular:

Remoteness increases reliance on transport-related infrastructure, services and pricing.

Most Indigenous tourism in WA and in the Kimberley operates at a very small scale. These small scale operations have their own merits and their own benefits. But if the NIAA Indigenous Tourism Fund is principally about growing the Indigenous Tourism sector, then there has to be a discussion had about Scale. And how do we achieve Scale without having a magnet or a drawcard to bring people to the Kimberley region? This is where iconic, large scale events such as Stomp Em Ground Festival can come in to play. If there are drawcards to bring visitors to the Kimberley, then once they are here they will look to explore the range of opportunities and experiences available to them once they are here.

KALACC provided the ***Stomp Em Ground Festival Business Plan*** to the WA Government in April 2019 but we have not as yet received any response or feedback from the Government.

We return now to the short email of 14 February from Mr Duncan Ord, Director General of the Department of Local Government, Sport and Cultural Industries:

Yes it is evident that SA is becoming the National hub City for Aboriginal cultural institutions and is forming significant relationships with WA based communities and artists.

Mr Ord wrote that short email to KALACC in the context of a discussion about the role of the South Australian Museum in KALACC's major Trade Routes Project. Apart from the private and restricted dimensions to this nationally – significant project, there are also very public outcomes including a major exhibition to be held at the South Australian museum, possibly as soon as the end of 2021. KALACC has participated in a major Trade Routes Project Planning Meeting in Canberra across 24 – 28 February 2020. Partners, collaborators and interested parties to the project include:

- KALACC
- ANU – Arts and Culture
- ANU – Centre for Aboriginal Economic Policy and Research
- AIATSIS [under discussion, but we have no fewer than 4 meetings with AIATSIS in that week]
- Justice Anthony North [retired], Federal Court Native Title Judge
- South Australian Museum, led by Professor John Carty, Head of Humanities at the SA Museum
- Anthropologists Kim Akerman and Nick Peterson are being consulted and use will be made of the work on trade undertaken by Scott Cane
- Central Australian Aboriginal Media Alliance
- Funders include the Australia Council and the Commonwealth Arts Department, with discussions currently occurring with the National Indigenous Australians Agency
- 21 January 2020 – KALACC discussed this project in considerable detail with the Hon Ken Wyatt.

In 2015 with the assistance of the WA Government, KALACC completed a ***Fitzroy Crossing Cultural Centre Scoping Study***. In 2017 with the assistance of the WA Government KALACC completed the ***Fitzroy Crossing Cultural Centre Design Study***. And in August 2019 with the assistance of the WA Government KALACC completed the ***Fitzroy Crossing Cultural Centre Feasibility Study***.

If the Fitzroy Crossing Cultural Centre was built, then KALACC would be able to virtually link in with AIATSIS, National Museum of Australia, South Australian Museum and this new SA Aboriginal Cultural Centre and of course the WA Museum.

KALACC has excellent relationships with a number of Commonwealth entities and individuals, including Minister Ken Wyatt, the Indigenous Land and Sea Corporation, the National Indigenous Australians Agency and Regional Development Australia. There are two Kimberley representatives on the Indigenous Reference Group to the Ministerial Forum on Northern Development. KALACC's expectations of the State Government are quite modest. But we know that we have no hope of securing support from the Commonwealth Government without the WA Government at least assisting KALACC by convening an inter-agency Working Group to discuss the Fitzroy Crossing Cultural Centre.

6. Strategic Element #6: Building cultural understanding and respect; And Accountability, Measurement and Evaluation

Key Ideas	
Public sector	Broader society
Public sector workforce – cultural responsiveness training and standards	Strong leadership from the Government, promoting positive stories
Aboriginal public sector workforce – recruiting, retaining, supporting, advancing and empowering	Public campaigns
Identifying and remedy laws, procedures and policies that have discriminatory effects	Schools embedding Aboriginal histories, cultures and languages into classroom practice, and creating learning environments that build respect for the cultures, experiences and worldviews of Aboriginal people
Countering unconscious bias with training and other mechanisms such as Aboriginal employment and procurement targets	Sports, recreation, arts and culture providing opportunities for Aboriginal and non-Aboriginal people to interact and build mutual trust and understanding
Monitoring data on the experiences of Aboriginal public servants and users of publicly funded services	Monitoring data on experiences of racism by Aboriginal members of the public
Improving the accessibility and people's awareness of mechanisms for complaints and rights-enforcement	Accessibility and awareness of mechanisms for complaints and rights-enforcement

KALACC takes this opportunity to discuss the situation within Australia at present in regards to measuring and evaluating the outcomes from culture and from cultural programs. As noted above, Australia and Western Australia stand at a watershed moment in moving away from 10 or more failed years of paternalistic mainstreaming and shifting towards strengths based shared decision making. In this new policy paradigm, Aboriginal culture shifts from being irrelevant or peripheral to being 'at the centre.' But if something is to be valued, then a value needs to be placed upon it. How do we measure, evaluate and value Aboriginal culture?

Firstly, we note that the proposed new Close the Gap Refresh includes revised Draft Targets but then also includes Cross System Priorities. Aboriginal Culture did not make it in to the list of Draft Targets but instead was listed as a Cross System Priority. Part of the reasoning behind this is that as recently as December 2018 we as a nation told ourselves that we could not measure culture, because it was too amorphous and vague. This was untrue back then – the Melanesian societies have been measuring their cultural outcomes for over a decade. But it is certainly untrue today and we now provide a short overview of some of the many activities and processes currently under way to measure and evaluate cultural outcomes.

National Processes to Measure and Evaluate Outcomes From Culture

- **AIATSIS National Framework to Report on the Status of Aboriginal Culture and Heritage** – AIATSIS has a statutory obligation to report on the status of Aboriginal Culture and Heritage. AIATSIS has recently developed a confidential draft of *The situation and status of Indigenous cultures and heritage Framework*. KALACC met with AIATSIS in Canberra on 26 February and one of the likely outcomes from that meeting is that AIATSIS will commission KALACC to assist it with a body of work around how to measure and ascribe value to ceremony and to secret – sacred business.
- **Mayi Kuwayu: the National Study of Aboriginal and Torres Strait Islander Wellbeing**- this is a comprehensive longitudinal study into how culture impacts health and wellbeing following epidemiological research processes.
- **Revision of the Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan 2013-2023**- KALACC is aware that the Lowitja Institute has been commissioned to provide the Department of Health with a report on the Social and Emotional Wellbeing indicators and framework to be used to measure the social and cultural determinants of Health. It is KALACC's understanding that that Lowitja report is being provided to DoH in February or early March 2020.

State, Regional or Local Processes to Measure and Evaluate Outcomes From Culture

- **BBY East Kimberley Language and Culture Indicators Framework** – BBY, with assistance from KALACC, developed this *Language and Culture Indicators Framework* across the middle of 2019. A copy of the Framework is available online at <https://www.bby.org.au/regional-development-agenda> Subsequent to that, in February 2020 BBY has published a Discussion Paper – *East Kimberley Language and Culture Evidence Brief*.
- **KALACC Indigenous Languages and Arts Evidence Framework** – the Indigenous Languages and Arts program is a major funding program of the Department of Infrastructure, Transport, Regional Development and Communications. KALACC has a multi year funding agreement with the Department. KALACC is currently finalising our own internal reporting mechanisms to enable us to report not only the mandated ILA Program outcomes [sometimes called widget counting], but also community impacts from these programs.
- **KALACC/ CAEPR Research Proposal to Minister Ken Wyatt** – at the August 2019 Working Group meeting to the Kimberley Suicide Prevention Trial, Minister Ken Wyatt invited KALACC to provide to him a proposal for a major research project seeking to build the evidence base around culture and wellbeing. KALACC's preferred research partner is the ANU Centre for Aboriginal Economic Policy Research [CAEPR]. In December 2019 we provided a draft research proposal to the Minister, in January 2020 we discussed the proposal with the Minister and in February 2020 KALACC met again with CAEPR to redraft and refine this important research proposal.

It would be helpful if the WA Government engaged in a dialogue with KALACC around building the evidence base around Aboriginal culture. It would be helpful if the WA Government engaged as a project partner with KALACC around developing cultural outcome indicators and measures that Aboriginal people define, which would relate to such things as types of cultural participation and opportunities to connect with Country and family, language maintenance and revival, as well as wellbeing indicators.

Appendix One

Cultural Solutions:

Shared Pathways for Engagement and Achieving Durable Outcomes in the Kimberley Region



Kimberley Aboriginal Law and Culture Centre (KALACC)

Positions Paper

September 2017

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KALACC Director's Statement

DIRECTORS STATEMENT – KUNUNURRA – JULY 27 KIMBERLEY ABORIGINAL LAW AND CULTURE CENTRE (KALACC)

Cultural Solutions: Shared Pathways for Engagement and Achieving Durable Outcomes in the Kimberley Region

Kimberley Aboriginal Cultural Bosses from across the Kimberley region met in Kununurra on July 27 2017 to reaffirm our commitment to cultural solutions to building communities on foundations of culture.

We call on the Commonwealth and Western Australian Government to work with us to design and deliver a Cultural Investment Strategy to create pathways to sustainable, healthy, and prosperous communities based on cultural solutions that work for our people.

Solutions do not come from outside our communities. Solutions that work for our people have always come from our Cultural leaders and have been driven by our own organisations.

Now is the time to cut through and to build on the nice words, promises of change and short- term, fragmented and piecemeal program approach that governments and communities have been burdened with for too long. Real change means working from the cultural strength that has been the key to our survival. To heal our people, we must heal our families. To heal our families, we must heal our communities. Culture is the key.

KALACC Directors endorse and affirm cultural solutions guided by the following 10 statements of principle and 20 Recommendations (Opportunities).

KALACC Statements of Principle (Cultural Solutions)

1. Cultural solutions are crucial to empower Kimberley Aboriginal communities, families and individuals to heal the cultural and social trauma that has taken hold for many of our people.
2. Kimberley Aboriginal communities are founded on respect for family, Law, culture and Country.
3. Our young people are our future. Building stories in our young people, connecting to Country, family and community is how we build their future.
4. Cultural leadership is based on cultural authority. Cultural authority is respected, empowering and effective in delivering real cultural and social change that our communities need and value.
5. Our young people need to be strong in two worlds - culture and education go hand in hand.
6. Remote communities are the lifeblood of Kimberley Aboriginal Community, culture, education, connection to country, belonging, identity and responsibility.
7. Cultural economies empower Aboriginal Families to build on cultural assets of Country, culture, Indigenous Knowledge and skills and direct employment and wellbeing.
8. Cultural governance, when respected and supported, upholds cultural and social values and increases community responsibility and effectiveness.
9. Cultural solutions have the greatest impact in preventing youth suicide utilising an 'upstream methodology' to engage young people through culture, country and community.
10. Investing in cultural solutions on Country prevents young people from becoming trapped in the criminal justice system, setting them on the right path instead of spending millions of dollars locking them up.

Recommendations (Shared Pathways to Durable Outcomes)

1. Ensure resources allocated to the Kimberley Suicide Prevention Trial engage and resource Indigenous community based organisations most able to effect change at the community level based on cultural solutions that have been found in evidence to be effective for our people.
2. The Western Australian Government to collaborate with KALACC and Key Aboriginal community cultural organisations to practically and tangibly implement an Aboriginal Cultural Investment Strategy.
3. That Kimberley Cultural Bosses identify priority actions and investment using cultural and place based solutions, working within community structures to target actions and enhance outcomes.
4. That the Commonwealth and Western Australian State Governments collaborate with KALACC, the KLC, KLRC and Kimberley Futures through Aarnja and the Empowered Communities Model.
5. Transfer decision making and financial resource allocation for programs supporting culture, healing and wellbeing to Kimberley regional governance bodies, including as KALACC, the KLC, the KLRC through Kimberley Futures and Aarnja.
6. Consolidate and resource the Yiriman Project to expand the model Kimberley wide and over the long-term to support Kimberley Aboriginal youth at risk.
7. Resource the Agents of Change Program to transmit knowledge and develop cultural authority in our young men and women, identifying and supporting emerging leaders.
8. Target support for Aboriginal Women's Law and cultural practice to match the growth of male leaders, through dedicated cultural maintenance and community strengthening funding.
9. Resource and expand the successful repatriation program as part of cultural healing.
10. Invest in the long planned and well developed KALACC Cultural Centre in Fitzroy Crossing to uphold cultural foundations, healing programs and development of cultural enterprise.
11. Develop a long-term cultural festivals investment plan and program of support for the Triannual KALACC Festival and re-establish the nationally successful Stompem Ground Festival as part of showcasing Kimberley Aboriginal Cultural performance and investing in cultural economies based in performance.
12. The Western Australian Government to directly engage with Kimberley Futures and Aarnja (Empowered Communities) to review all aspects of the RSRU based on community consultations and through the Kimberley Leadership.
13. Collaborate with Kimberley Regional Aboriginal Organisations in identifying and supporting remote community based needs and opportunities assessments

14. Resource Aarnja, Kimberley Futures and related regional Kimberley Aboriginal organisations to undertake the work of the RSRU reporting to the Minister for Local Government: Heritage, Culture and The Arts.
15. Build a close partnership with KALACC and Aarnja to develop a Kimberley Regional Cultural Investment Strategy that builds on current development of cultural performance, festival programs, Aboriginal art and cultural tourism.
16. Empower the Aboriginal community to own and deliver cultural enterprise programs through community based cultural organisations supporting cultural economy pathway and small-scale business development.
17. Consult with Traditional Owners and Cultural Bosses regarding Aboriginal Heritage Act Management and necessary amendments.
18. Co – Design strengthened heritage legislation with and by WA Native Title Representative Bodies and Aboriginal community cultural organisations
19. Invest in the development of mixed online and on-Country learning that engages young people, community schools and linked programs to engage students in two-ways learning to strengthen pathways to higher education.
20. Invest in the development of relevant language resource products for schools, including print, online and web-based apps based in cultural stories of relevance to Kimberley Aboriginal young people.