

## Feedback on WA Government's Aboriginal Empowerment Strategy – Discussion Paper

This submission is made by Nyamba Buru Yawuru, on behalf of the Yawuru Native Title Holders Aboriginal Corporation RNTBC – the “PBC” of Yawuru people.

We welcome the opportunity to make comments on the Discussion Paper, and commend the West Australian government for its good intent in developing such a Strategy which identifies a number of key principles to guide WA government agencies in their interaction with Aboriginal citizens and organisations into the future. Clearly the WA government has invested considerable time and resources to ensure that the Strategy reflects Aboriginal people's views and aspirations.

The Yawuru Native Title Global Agreement, in the form of two statutory Indigenous Land Use Agreements (ILUA), has sought to promote Yawuru commercial development and equity in the Broome regional economy as part and parcel of protecting and sustaining Yawuru native title rights and interests. Yawuru's view is that the continuity of Aboriginal culture is fundamentally linked to Aboriginal people's participation and equity in the regional economy.

In addition to a jointly managed coastal and marine conservation estate that will protect key parts of Yawuru country in perpetuity, the capital assets that Yawuru negotiated are designed to provide a secure income so that Yawuru can provide social, economic, environmental and cultural benefits to our community and other Indigenous people in the Broome region for generations to come.

Yawuru believe that the greatest threat to Aboriginal people's continuing cultural survival is economic, social and political marginalisation and dependency on government - the commercial basis of the Yawuru Native Title Agreement was negotiated so that the Yawuru community could be independent and not have to rely on governments.

Empowerment for Yawuru people will manifest in diminishing dependence on government for financial support within Yawuru families and communities, and it will also necessarily manifest in a greater degree of political control over decisions which will impact on our people into the future.

So in philosophical terms, it appears that Yawuru's thinking about empowerment - and how government might facilitate this – is very similar to the ideas contained within the “Path Forward” Discussion Paper.

There are some practical suggestions we would like to make however which would improve both the relationship between Aboriginal people and the WA government, and the effectiveness of those services which government continues to provide. There are also some suggestions as to how to improve the autonomy of Indigenous organisations and peoples in the Kimberley, an autonomy which must be both political and economic in its foundation.

These are numbered in no particular order of priority.

## 1. More efficient and effective service delivery

An expansion of government agencies, or services, or amounts of funding alone, will not necessarily benefit Aboriginal people, or communities. A preferable approach is to design more effective and efficient services that employ Aboriginal people in numbers proportional to regional populations at local levels.

The complexity of layered government, of services both government and non-government, the enormity of the administrative machine in the Kimberley, and in the town of the Broome, have not translated into improvements in wellbeing, or quality of life, for Aboriginal people.

The “Path Forward” Discussion Paper states that “...the strategy will ...ensure transparency and accountability to the Western Australian community.” The mechanics of this are important in the context of considerations about effective service delivery. Who will the agencies account to, and by what mechanism? According to what matrix of performance? How will best practice in government activity in this space be rewarded, and how will poor performance be discouraged, or avoided, or penalised?

We see the Commonwealth government performing very poorly in terms of its Closing the Gap policy. We see gaps widening, and we see Aboriginal people falling further behind. A matrix for measurement alone clearly does not ensure improved performance in terms of effective service provision.

Yawuru would be encouraged if the WA government could take a more courageous approach to measuring the performance of its agencies in this space. And if those who are tasked with overseeing these agencies could themselves have performances measured against outcomes (for example, a falling number of patients presenting in a given region with type 2 diabetes) versus throughput (high number of patients seen in clinic viewed as indicator of clinic effectiveness).

## 2. Investing in truth telling

The “Path Forward” Discussion Paper states that “Healing the wounds of the past – and the present – will make our society fairer, and all of our lives richer”. The first step in enabling healing to take place is to acknowledge the injuries, the harm, that have occurred to date.

The history of Aboriginal people in Western Australia IS Western Australia’s history. Until there is proper, considered investment in truth telling – across a range of scales, and within all kinds of institutions, there can be no restitution, and Aboriginal people will continue to self-harm at population-wide levels.

We adhere to a widely held Aboriginal view that the power of culture and country in healing our people should not be underestimated.

Aboriginal people know the stories of a brutal colonial past; the trauma of past policies lives on in us, and manifests in our relationships with others.

In our view the lack of acknowledgement of this history will continue to constrain the

maturity of the relationship between the state government of WA and its First Nation peoples.

### 3. Supporting Aboriginal organisations to deliver services

The “Path Forward” Discussion Paper identifies ‘support for culture’ as one of six key elements in the strategy, and goes on to describe how such support might be provided by government in WA. Yet ‘cultural competence’ becomes unnecessary if services are being delivered by our own people.

The role of Aboriginal community controlled organisations – across all kinds of service delivery sectors - in people’s improved sense of self-determination has been well-documented. It is a truism that no amount of cultural competency training to non-Indigenous people can outweigh the benefits of Aboriginal people running and delivering our own services. If not via our own services, then via Aboriginal people employed in government agencies and in non-Indigenous NGOs. Public sector Aboriginal employment minimums, and Aboriginal employment ratios in contracts, ought to be built in and agencies, or Director-Generals, held accountable if they cannot achieve these targets.

People’s cultural continuity and strength is directly related to their actual empowerment – this has been evidenced in various studies, including Yap and Yu’s work around developing a Mabu Liyan wellbeing framework for Yawuru people. Being in control of decisions relating to Yawuru country, to Yawuru assets, within families and being able to influence how services are delivered, were crucial indicators. Similarly, in Chandler and Lalonde’s seminal study into the protective factors against high youth suicide rates in Canadian First Nation communities, they identified a suite of factors which related to political empowerment – that is, *actual* control of organisations, and of municipal entities. In light of these studies, and others like them, empowerment is not an abstraction. It manifests in the mechanisms for people to be in control, and to make decisions on behalf of our families, our communities and our country.

### 4. Economic empowerment

Many have commented over the years on the fact that Australia’s Aboriginal people, particularly in the north, are ‘land rich’ but remain the nation’s most impoverished people. And there have been, and continue to be, a swathe of Commonwealth and State government investigations and inquiries into how to build the engagement of Aboriginal people into economic development.

The impediments to this engagement are many, and include poor health and education standing, remoteness from flourishing employment markets and so forth.

Governments have a crucial role to play in establishing the policy settings, and in tweaking a whole range of investment incentives, to encourage economic development which benefits Aboriginal West Australians.

Government policy must effectively accelerate economic growth – which is a phenomenon of the market – and translate this growth into wider socio- economic development. Overarching economic policy settings are essential, but any regional economic growth that occurs while some citizens stagnate, or recede into dysfunction, must be called into question. A risk in this context is regional overreliance on one sector – which can result in the chronic two-track

pattern of remote economies, where those who are locked out of the high end of town are doubly disadvantaged, because they must nonetheless pay the same exorbitant housing, food and service costs.

Healthy economic development is necessarily characterised by diversity – of economic activities, of employment opportunities and of accessibility to all sectors of our community, from the unskilled to the highly professional. This diversity would also reflect, and respond to, the diversity of aspirations amongst Aboriginal people.

A policy to encourage healthy economic development must also activate Aboriginal assets, in a way that doesn't require us to compromise on our obligations to mabu burru (strong country) and to mabu ngarrungu (strong community).

Building Aboriginal-specific capital investment funds such as those that flourish in Canada could add to options for Aboriginal groups like Yawuru, especially PBCs holding Native Title rights, and land assets, to access capital necessary to activate our land assets. (See for example <https://nacca.ca>)

What is patently clear is that the invisible hand of the market is not sufficient on its own if we are to build Aboriginal prosperity and financial autonomy in the state's north.

One area in which the state of WA might usefully play a role would be to influence the settings determining the energy transition – and how benefits from this transition might accrue in part to traditional owners.

We would encourage the state of WA to seriously investigate options for the transition from a fossil fuel based economy to a renewable energy based economy which locks in equity and intergenerational benefit for Aboriginal groups across WA. The energy transition could equal a decentralization of energy markets in WA, and an equivalent decentralization of the benefits of owning and selling energy – or it could equal business as usual where the state retains the energy monopoly, and Aboriginal people are the least empowered consumers, paying the highest rates for energy in the state.

Such an investigation could also consider how other climate change related targets around emissions reduction, and carbon capture, might benefit traditional owners. These kinds of energy and environmental services could drive considerable economic activity and benefit for traditional owners, while maintaining many of the cultural and ecological values of landscapes.

The availability of autonomous sources of energy will become increasingly important as the localized impacts of climate change increase. Such energy sources – both autonomous and secure - will also become necessary for other forms of economic investment in the regions of WA, and may form the basis for alternative industries into the future, including the export of hydrogen-based forms of renewable energy.

Given the extent of Native Title over the state of WA – and the potentially vast areas required by renewable energy industries into the future - a region by region energy transition strategy ought to be undertaken, which fully considers potential benefit to traditional owners, and identifies policies and wider reforms which can ensure benefits into the long term future.

## 5. Investing in language and culture

Language has proven crucial to the reinvigoration of Yawuru cultural activities and enterprises over the last decade.

For all people, language is the expression of a worldview, and of a value system; it contains the signifiers of cultural difference. It plays a crucial role for our people in expressing our social identity, in capturing family relationships, in speaking to connections to places and to country.

Our language gives form and substance to our identity, and it is the connection between Yawuru people, the Bugarrigarra (dreaming), our well-being and country.

The extent of Aboriginal cultural and linguistic diversity in the Kimberley region is something that is extremely rare in the 21<sup>st</sup> Century, and it ought to be celebrated and supported by the state of Western Australia, on behalf of the Australian nation.

We would like to see greater investment in Aboriginal language translation services, in government school language programs, and in organisations and programs that protect, collect, record and celebrate Aboriginal languages.

## 6. Regional representation and agreement making

A genuine conversation about the empowerment of Aboriginal people in the state of WA must involve both of the issue of enacting Aboriginal decision-making at regional levels, and agreement making with the State. Whilst the Commonwealth continues to grapple with the issue of ‘voice’ at a national level, there is some progress in WA’s approach to the question of how to facilitate regional representation of Aboriginal people on matters that are of concern to us – and again, how to decentralize decision-making powers to the relevant level. The proposed concept of ‘local area heritage services’ that has been developed as part of the review of WA’s Aboriginal Heritage Act is an example of this kind of subsidiarity in practice. Another example where this has occurred that is referenced by the Discussion Paper is the Dampier Peninsula Working Group.

Having the flexibility and the resourcing to develop governance structures at regional levels which can be responsive to local issues will result in locally relevant and well-informed decisions, which can drive local change. With local decision making comes a greater sense of responsibility and accountability; when this occurs, Aboriginal people can no longer simply blame government when we have taken the decisions ourselves. This would enable us to own our own risk – and to see the impacts of the decisions we make, both good and bad.

There is another example where the government’s response – and willingness to support regional governance initiatives – has been less effective however – and that is, in the lack of a coordinated response from the WA government to Coroner Fogliani’s report, and to the issue of youth suicide in the Kimberley. The entire subject has become over-managed, and over-governed, with an unending regularity of workshops and committees, but no decisions or commitments from WA government agencies as to resourcing, or policy shifts, or coherent response have been forthcoming. This has arguably been one of the failings of the McGowan government in its current term, and some internal interagency lesson-learning ought to occur



as a result. While lots of Aboriginal people have been engaged in these conversations, they have not translated into impacts on the ground. These processes represent an example where engagement and consultation have NOT represented empowerment.

Turning finally to agreement making, this is required under the Native Title Act as part of any settlement between the State or other third parties and traditional owners. However the Timber Creek compensation case represents a new avenue of negotiation for TOs, including those such as Yawuru who have already settled our Native Title claim, and have two signed ILUAs. That this case was not mentioned in a Discussion Paper on empowering WA Aboriginal people was a significant oversight; after all, the potential compensation claims are significant.

Another way to frame the discussion about agreement making between the State and Indigenous people is to consider the prospect of a series of treaties negotiated between the State and traditional owners which might also deal with the issue of compensation. It is in the interests of both the state of WA, and of Aboriginal people across the State, that this new matter of compensation is resolved out of the courts, and via negotiated agreements. It may be via the contents of such agreements that elements of future proofing Aboriginal assets might be properly put in place.

## References

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