

## THE INDIGENOUS ENVIRONMENT

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This forum is a very timely and innovative process and the organisers deserve our collective support and congratulations. The various speakers have grasped the intent of the forum and made positive and meaningful contributions. It would be both constructive and timely to have a contribution from the bureaucratic perspective.

We all have to be honest about what is happening. We all have to be able to identify where you fit, and assess whether we actually make a difference and if so, where we add value. The focus here is on the philanthropic sector, and that philanthropic sector does add value, and does make a difference. There is a niche that the philanthropic sector can fill, and do it better than others.

From the outset I need to explicitly acknowledge the already substantial positive contribution that the private sector and philanthropic bodies have made to the debate, to policy and to practices. They are making a difference; they are actually out there filling the void that the Government cannot fill. It needs to be acknowledged and the opportunity to build on that capacity acknowledged and acted upon.

The theme of this conference is very timely: *"learning from the past and thinking to the future"*. The one thing we don't do well is "learn from the past". We collectively have not learnt from the past. It is interesting to note that same lesson, or wake up call, from the contributions provided by the overseas delegates to this forum.

The first point I would like to make is that I am one of those bureaucrats, the "unthinking, unfeeling" people who implement programs, supposedly without awareness of the consequences and the impacts of that activity. I hope I can allay that assumption.

I would like to make some comments and to be honest and frank about what is going on in Indigenous affairs. I do not make these comments to be cynical or negative, or trying to put people down. We need to be honest and frank about the current situation and we need to do that, if we are to learn, and not revisit the less desirable ways of working from the past.

The role of Government, and especially the role of ATSIC, is misunderstood, or not accepted, by many. The constraints and competing issues are complex and difficult to negotiate, and the picture presented is not easy to comprehend.

It is my personal view that Indigenous affairs in this country is one area where 99% of people have an opinion and of those, 95% wouldn't have a clue what they are talking about. If you are going to be an authority in this area, or express a personal opinion, you are obliged to get to know your subject matter

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and know what are the issues. If you do not, then your contribution or opinion is at the very least qualified. Forums such as these present the opportunity for such knowledge to be gained.

A positive focus on Indigenous affairs is about giving "power" to the "powerless". It is about giving power to the poor, about empowering people. It is an area of public policy that is hostile and inhospitable. It's about changing the status quo and you will get resistance and you will get a fight. That is what is happening.

Fred Chaney mentioned the Commonwealth Grant Commission (CGC) report. It is a significant body of work that has sort of died without a whimper. That report provided, for the first time, an assessment of what government does and how government goes about it's business. It clearly identified how we have passed the buck between the Commonwealth Government and the State Governments since 1967. It has become yet another opportunity lost, another example of not learning from the past.

That is not to say that the CGC did not try to do a good job. A lot of data was used and a good report was produced within the limitations that were imposed on them. They were not allowed to identify what the absolute needs were. They were to find out what the relative needs were within the existing narrow program/policy agenda, so we could move the money around.

So what we have now is a program that will move the money from the cities to the remote regions. It is hoped that someone else will put money in the cities. We have another fight on our hands.

What would have been more helpful and enabled a rationale assessment to guide us in future efforts was a more fundamental analysis of where we are actually making a difference, and why and where we are not making a positive difference. We needed to "learn from the past".

This is an aggregation of what "we" do every day and communities bear the brunt of that. In my days as a project officer, we would go to communities and they would tell us what they needed or wanted. We would tell them that the government can give you a house or a sewerage system, can put you on to CDEP. All these things can be done, but if you want something to help your kid we can't do that. If the needs and wants do not agree with the programs 'we' have to offer then it was 'officially ignored'. That is the way Government does business.

If we don't change the fundamental way we address the many competing and contradictory issues facing Indigenous people, and take it up directly with people, then we won't change anything.

The debate around Indigenous policy in this country is very immature and very shallow. We haven't had a proper debate about poverty and that is what we are dealing with. That is poverty in all its senses: whether it's materiality, income, powerlessness, incapacity, vulnerability or isolation, it is all these things.

The debate we have about this romantic view of self-determination. We think we have had it. It has never been tried so how could it have failed? What we have had is a "Do It Yourself" model. A policy model that places all

responsibility at the feet of the "community", but then ignores the pre-existing conditions that mitigate against progress, success and achievement. This model provides resources for infrastructure and ignores people. This model equates progress with disbursement and accountability with accounting. It is a safe model for us "bureaucrats". All care and no responsibility. We, the government, provided the money (for predetermined and defined purposes) and they, the people, could not do the job.

There are various definitions about self-reliance, reciprocity, responsibility, mutual obligation and capacity building, but none that have been able to be successfully and widely implemented on the ground. These are the modern policy clichés that in the current narrow environment is problematic and impacts 'patchy' to say the least.

Someone actually told me the other day, that they were expecting a different result from the new policy initiatives. When questioned further it was clear that they had not changed anything they were doing. **They were doing the same thing, but they were expecting a different result.** Changing the words, but not the substance. That is what we are doing in Indigenous affairs. It struck me that this mindset is analogous to the definition of "insanity", and that this succinctly describes our approach to Indigenous policy. It did not work in the past, but we continue to do it albeit clothed in different words.

### **The Rights based Agenda.**

People challenge it and say it is not practical and that it is not "there". The rights based agenda is about practical reconciliation; the two are not mutually exclusive agendas. The rights agenda and the practical reconciliation agenda are complimentary. It is about increasing education levels, improving health and providing housing. It is also about rights and sustainable progress.

In this country, there is no debate around rights protection. For those who dare to raise the issue, the response is ridicule and cynicism. There is apathy about our Constitution and this isn't just in Indigenous affairs, it is across the board. How many people can quote the Constitution? How many rights are protected by the Constitution? Are they actively protected or are they also being eroded?

The reason that Indigenous people focus on a rights issue is that it is the lynchpin of progress. The establishment and then the protection of rights provide the framework against which progress can be benchmarked. To date, the single Indigenous right that has been recognised at common law is Native Title.

As soon as native title was recognised, we had a debacle. There was an uproar in the media, by business, by industry and, sadly, by the general community to whom they were lied. I disagree with comments this morning about "people" getting it wrong. They did not get it wrong, they were told lies. People were told that their backyards were going to be taken and that the end of the world was near. That was the reality and you should not forget it.

The real issue in Native Title is that the wrong people won the case.

Indigenous rights surfaced when Mabo established a benchmark from where we could not retreat. In reality, it established a point from where we could move forward, but our rights surfaced, but then it was submerged in litigation. That's where we are today and it frustrates everybody. It is actually a compliment to industry bodies and communities who have gotten out there and made Native Title work because legislation didn't make a difference, or Government, or a process, but people did.

Returning to the way Government does business. "We" do it by a project service delivery model. A few points have been made this morning about development and how we don't "do" development in this country. We don't have a debate about what is "aid and intervention" and what is "development". We don't develop human capital, we don't develop people and we don't develop communities.

It is about control and the point I made before about how you go to communities and say here are the Government programs all in little boxes, if that fits your need we can do business, if it doesn't, I'm sorry. Everyone faces this problem. Until we have a fundamental shift in the way that we do business with communities we are not going to make a difference. I hope that these forums generate some debate about this.

We need a history lesson on where we are on these issues. If we keep on with the service delivery model we aren't going to make a difference. It is not sustainable. We keep people in a state of uncertainty. People spend half the year chasing next year's money. Aid is short term focussed. We give you 12 months. Have you made a difference? No? We take the money off you. We equate progress with disbursement and we equate accountability with accounting. That is not outcome, but "we" do it this way because the financiers in Government, and managers in the sector, get by in bite-sized chunks. It fits your performance agreement and it fits the term of Government. However, it doesn't fit communities' needs or aspirations because you haven't yet asked them what and where they are.

If someone in the private sector persisted with a strategy that had been implemented for thirty years and continued to fail, I'm sure you wouldn't have a job today, but we in Government do. There was some comment this morning about ATSI'S budget and what it does. We have rhetoric at the moment from Government about capacity building and leadership. The reality is that four years ago ATSI used to run those types of programs, but they were stopped. Four hundred million was cut out of the budget and that money supported those programs. We have now done a flip and we are again supporting those policy positions, but the money did not come back. The resources did not come back.

From a Government perspective, and more specifically from a service delivery perspective, we still see Indigenous issues as a "cost", not an "investment". Until we start investing and looking at investing for the long term and quantifying the results from that perspective, we are not going to make any appreciable or sustainable difference. We have got to start building on social capital and human capital on a systematic basis. If you don't do that we are not building capital.

We identify people in a community who have skills and commitment. We load them up and as soon as they crash and burn, or move on, or have had enough, we start again. That is not building social capital, it is just rhetoric. What is missing is trust and respect.

Our focus is on partnership and that is what this is all about. A partnership between Government and community, but there is no trust and without trust there is no respect. We have more accountability. I head an agency at the moment, which I think is very accountable, so accountable in fact, that every time someone criticises us, we put in a new procedure, we put in more red tape. Our transaction costs go through the roof, and they are extremely high. The transaction costs are in the tens of millions a year. That is ridiculous, but it is the cost of risk aversion, is not the cost of risk management. Another speaker here today threw out a challenge, to the administrative arm of ATSI to move away from the risk aversion policy and become a risk manager, ignore the media, ignore the government, go out and take risks. You will make mistakes, but you will make progress. If you procrastinate, you will make no difference. That is the challenge that the board has thrown to us and we are moving on it now, but it will have to challenge the very system our society has constructed, it will mean challenging the adversarial system.

Our whole system in this country is adversarial, our judicial system, our political system, our police system and our media. The issues in tomorrow's paper will not be about what this conference is about, it will be about what 'less than complimentary' things are said today that will be the headlines. There is a real opportunity here for the philanthropic sector. This is where you can make a difference; it is where you can be a catalyst. You are not constrained by government's rules and inflexibility. You can fill a niche or a void. There are many opportunities out there and many communities doing good work. It is about constructing a framework to capitalise and acknowledge those potentially positive developments.

We don't tend to hear about those who are doing well, we hear about the ones who are doing badly. This happens in all sectors of the community. On that point government does not change us, people do. It is people like philanthropic bodies that don't join because they are there, but they join because they care and have commitment.

In conclusion, there is a lesson here that we must heed and learn. The past efforts have been constrained and choked because of the enormity of the dilemmas that face us. We need to deconstruct the issues and identify where we can make a difference. The efforts of government are hampered, to an extent, by the need to ensure that everybody who is eligible for assistance gets that assistance, our resources are spread thinly given the scope and range of the need of Indigenous people. There is a need for the capacity to respond to initiative and adopt a flexible approach to development and support fresh and emerging paradigms. That is where the philanthropic sector can add value and make a difference.