



BINAAL BILLA REGIONAL COUNCIL
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Jonathan Curtis
Committee Secretary
Select Committee on the Administration of
Indigenous Affairs



Dear Jonathan

Submission to the Select Committee

Thank you for the invitation to put a submission to the Senate Select Committee on behalf Binaal Billa Regional Council.

Council is concerned that the decision to abolish ATSIC/ATSIS was one taken as purely on the basis of political opportunism with no justification in fact. Since the decision of 15th April the "Spin Team" of Government has attempted to sell a "Failed Experiment" dialogue to the Australian people and in the same breath talks about a "Bold New Experiment".

Our primary concern is the maintenance of a legitimate vehicle that will ensure the voice of Indigenous Australians is listened to at the Local, Regional, State, National and International levels. Our peoples are sick and tired of being guinea pigs with programs and services imposed upon us from afar. The imposed rhetoric of self management has failed in many cases as Dr Gaynor Macdonald has so succinctly put in the attached paper 'A'.

Not only do the goal posts keep moving, but we have doubts about the credentials of the referee and we seem to always be running up hill and into the wind – all we seek is a "fair go" and a level playing field.

We ask the Committee to acknowledge the concerns we express in the attached paper in the spirit of unity and justice.

Yours in Unity

Robert Carroll
Regional Council Chairperson

31 August 2004

Submission to the Select Committee on the Administration of Indigenous Affairs

1. Provisions of the ATSIC Amendment Bill 2004:

1.1 We do not support the abolition of ATSIC/ATSIS;

1.2 We do not support the replacement of our duly-elected representatives with the proposed National Indigenous Council (NIC). The government's negative approach to Indigenous representation should not be allowed to go through Parliament without the establishment of a positive replacement. We strongly support the maintenance of a directly-elected national Indigenous body and will support the emergence of credible national leadership. The national elected body needs to have adequate resources and staffing to do its job. It needs to be legislated and not so exposed to the whim of the government of the day when disagreements emerge, as will be the case with the government's proposed "Uncle Tom's Cabinet" of advisers.

1.3 We believe the Bill will disconnect our people from the political process;

1.4 We believe the Bill will disempower our people – there is a high probability the NIC will become a toothless tiger only consulted when it suits the Government's agenda;

1.5 We support the 2003 Review of ATSIC not its abolition but recognise the damage that has been instilled within the minds of the Australian community by scapegoating ATSIC as a failed experiment;

1.6 We also support the objectives of the current Act that will *"ensure maximum participation of Aboriginal people and Torres Strait Islanders in the formulation and implementation of government policies that effect them"*;

1.7 We assert our right to self determination as set out in Articles 3 and 19 of the UN DDRIP and the principles of ICERD and the Racial Discrimination Act;

1.8 We support any amendments to the Act that will increase our input into policies and programs that effect our people;

2. Proposed Administration of Indigenous Programs and Services by Mainstream Departments and Agencies:

2.1 We object to the government scapegoat of ATSIC on programs such as health and education over which it had no administrative responsibility;

2.2 We support in spirit the establishment on the Office of Indigenous Policy Coordination an its regional structure of Indigenous Coordination Centres, but central to these structures we see the absolute need to have Indigenous Representation that is legitimate to our people;

- 2.3 We are encouraged by the new spirit of cooperation now being expressed by Department Secretaries and Senior Management of OIPC;
- 2.4 Staff of ICC's have an opportunity to demonstrate and apply departmental cooperation at the regional level but must do so with respect to the current Regional Councils (or whatever structure that replaces them), Community Working Parties currently established and those being established, our Elders, our Leaders and in our case the Wiradjuri Nation.
- 2.5 We have grave concerns about what mainstreaming may mean for the effectiveness of service delivery and the capacity development of our communities in a commercially contestable environment. The poor outcomes of Job Network Provider services for Indigenous people is a good example of what happens to service delivery. The capacity development of our communities will lose a lot of ground in our region through the mainstreaming of CDEP's.
- 2.6 We also have grave concerns about how the currently mainstreamed Aboriginal programs (health and education) will integrate within the ICC context. It is likely that they will have little, if any presence in ICC's in areas like ours. How then will the ICC's achieve the wonderful new seamless service delivery that is being promised.
- 2.7 We are cautious about administrative and policy power being transferred to Canberra bureaucrats who have little or no understanding of "life on the riverbank";
- 2.8 We strongly support the principles of Regional Autonomy and Administration by "Cost Centre Management" that is both accountable and transparent;
- 2.9 We ask that the dedication of our former ATSIC staff in supporting the Elected Arm be recognized and valued
- 2.10 We seek the support of all sectors of the community that recognizes our sovereignty and supports our self determination objectives.
- 2.11 Mainstreaming is the new assimilation, the latest way to try to make us invisible. We know that we can count on you to not let that happen.

3. Related Matters – a Case for Maintaining Regional Councils or Regional Representative Bodies such Binaal Billa:

No Indigenous Voice - Binaal Billa Regional Council considers the proposed elimination of Regional Councils in the legislation to be a retrograde step. This should be left open to allow time to develop and enhance regional partnership arrangements that are already in place or planned. We may also then have time to explore with our own communities the best possible regional arrangements.

Partnerships - Our regional state government partners have expressed serious concern about the vacuum that would now be created at the regional level if there is no representative Aboriginal partner at that level.

There are a number of initiatives underway or planned in our region. These achievements are listed below and provides a few examples of what a representative body of Aboriginal people can assist government agencies to deliver. They underline the important role played by a representative body just as happens in the current Murdi Paaki Region COAG trials.

There should be advantages in having a regional Commonwealth presence through the Indigenous Co-ordination Centres. They have been harder to engage than the state government in NSW. However the linkages between the three tiers of government will only work with the collaboration of local and regional governance bodies. Attachment 'B' describes this process simply. Attachment 'C' describes the partnership framework connecting Aboriginal Governance and Service Delivery Agencies.

There is also a need to ensure that on an ongoing basis, Regional Councils/Bodies are given the staff and administrative budgets necessary to continue to provide strategic support to agencies over the coming years. Our fear is that by giving the Regional Councils until 30th June 2005 the government hopes to divide the elected arm, then allow us to wither on the vine with insufficient resources. It would be a criminal waste to abandon our new regional plan now because of the lack of resources to carry it forward.

Before this date is set in concrete, Government need to consider how this will affect ongoing and new initiatives in this region and no doubt in all regions. In particular they will need to consider the indispensable value of a regional Indigenous partner that is a representative body of Indigenous people in the communities. For the current Council of Australian Governments (COAG) "whole of government" approaches to work they need a regional as well as local Aboriginal partners such as happens in the Murdi Paaki region.

It is an appalling situation that the solution to national Aboriginal governance issues is to demolish whole structures and mainstream, not only funding, but policy and planning functions.

Though our region has been less feted there have been substantial efforts made to develop regional partnerships to improve outcomes for our people. This has been slow and steady work as there has been little obligation on the part of other agencies to engage with us. However progress has been made in the following areas identified in our Regional Strategic Plan and its current redevelopment. Some of it is well advanced while some is only just beginning. Key to success has been the effectiveness of the primary partnership between BBRC and ATSIS.

- a) **Regional Co-ordination Management Groups (RCMG)** – RCMG's bring together the regional directors of state government agencies. The two RCMG's in our region (Riverina-Murray and Western) are keen to work with us to co-ordinate better service delivery in the context of the NSW Aboriginal Service Delivery Partnership Agreement that was signed in late 2002 by the NSW Premier, NSW Aboriginal Land Council (NSWALC) and ATSIC. All Binaal Billa Councillors met with the Western RCMG in March 2004 to implement the Partnership Agreement in the region and a similar meeting was held with the

Riverina-Murray RCMG in a May. A joint planning meeting was subsequently held involving our Executive and key representatives of both RCMG's.

- b) **Community governance through Community Working Parties (CWP's)** - Binaal Billa has highlighted the fundamental importance of building cohesive community governance. It has developed a set of guidelines for selection and defining fundamental principles of CWP's. These are designed to assist to address the division at community level between Indigenous organisations and encourage collaborative action planning at the community level.

The Narrandera and Dubbo communities have progressed well down this track, developing their own models to fit their own community need. ICC staff are currently assisting the development of CWP's in Deniliquin and Coonabarabran. Additionally Council is working towards an agreement with NSW Department of Aboriginal Affairs (DAA) and NSWALC to ensure effective systems of local governance are established. In the meantime we are working closely with the Premier's Department to monitor and assist establishment of CWP's to ensure integrity of the process upon which the partnerships with agencies can be built at local level

- c) **The Tirkandi Inaburra Cultural and Development Centre Inc** – an example of four tiers of Government working together – Murrumbidgee Shire Council – NSW Attorney General's Dept, ATSIC/ATSIS and Binaal Billa Regional Council. This early intervention program to divert young Aboriginal people from the criminal justice system has progressed through a new model of partnership between governments and local communities for effective intervention. This would have been difficult if not impossible for individual communities to undertake. Council identified the project in their Regional Plan and were supported by ATSIC/ATSIS over many years in planning and negotiation strategies.

The result is an initial social capital investment to build the facility of \$2.3 million by the State government and an ongoing recurrent commitment of \$6.2 million for the first three years of operations – expected to be ongoing. The ATSIC investment in this project of human resources has been considerable over many years and some \$100,000 in cash while producing preliminary detailed proposals, acquiring the land, establishing a community based, regional organisation, and successful lobbying for funding from appropriate agencies. ATSIS provided extra \$600,000 in June 2004 that will enable us to complete all necessary capital works.

The state government has incorporated the concept of Tirkandi Inaburra in their NSW Aboriginal Justice Strategies. They plan to build several more on this model in other parts of the state.

- d) **Regional Family Violence Strategies** – Council has developed a regional strategy to continue our efforts to address this scourge on our communities. A regional interagency stakeholder forum was held in May to review the strategies and assist redevelopment in the context of the Regional Plan 2004-2007. Further ward summits with community people are planned to work on strategies for the

new plan. One centre piece of the plan is the development of a cross agency supported Family Healing Centre – a feasibility study is being completed.

- e) **Health Agreements** - Council is seeking a way forward to ensure better service delivery in Aboriginal health. In a complex and difficult political and administrative environment progress is difficult. We have sought to make basic collaborative agreements with two of the three Area Health Services of the region but have run into significant obstacles. The extent of coverage of the region as a whole by Indigenous community controlled health services is very limited. We seek to expand this role but have found it difficult to play the stakeholder role as defined in the State Aboriginal Health Agreement.
- f) **Birrang Enterprise Development Company** - a Regional Community Development Employment Program (CDEP) was established by Council in late 2003 to improve the delivery of CDEP in achieving full time employment outcomes for participants. Based in Griffith good linkages have already been established there with the private sector. The regional body also provides the flexibility to start up activities in smaller communities which otherwise would not have the numbers to be able to sustain their own CDEP projects. It is hoped that Birrang can attach an Indigenous Employment Centre which provides training funding otherwise is denied to CDEP's.
- g) **A Wiradjuri Language Retrieval Program** – it has been funded by ATSIS for the past four years. Dictionaries are almost completed, courses have been run in various parts of the region, and there are many teaching materials available. This will contribute greatly to implementation of the NSW Aboriginal Languages Policy and language teaching in schools.
- h) **School to Work and Higher Education Transition Strategies in Local Communities** - Council has facilitated a regional agreement with Commonwealth Department of Education Science and Training, Department of Employment and Workplace Relations, NSW Department of Education and Training, NSW Dept of Aboriginal Affairs and the NSW Aboriginal Education Consultative Group at a state level to develop some pilot strategies in two communities, Griffith and Gilgandra. The project pilots has been completed and a meeting of partners is planned in September to further progress this initiative. These strategies can be developed in other communities as well, co-ordinating existing resources and acquiring new ones.
- i) **Natural Resource Management and Heritage Protection Agreements** - BBRC has been supporting the development of a regional Indigenous advisory group for agencies with responsibilities. The next step is to seek an agreement with the new Murrumbidgee Catchment Management Authority, a forerunner of agreements BBRC hopes to strike with the other Catchment Authorities within the region.
- j) Agreement in principle has been reached between Charles Sturt University (CSU) and Council to develop a **research partnership** to provide information for monitoring COAG indicators of need in communities in the region and to inform the development of more effective community and regional planning strategies.

- k) **TAFE Institute Agreements** - Council recently signed an agreement to improve working relationships with the Riverina Institute of TAFE. We are pursuing a similar agreement with the Western Institute. Improving relationships has meant the implementation of Indigenous Organisations Training (community governance courses) and access to all TAFE programs have moved in a positive direction.
- l) **Housing and Infrastructure Partnerships** - The NSW Aboriginal Housing Office (AHO) was formed by an agreement in 1999 between the NSW government and ATSIC to pool ATSIC Community Housing and Infrastructure Program, Commonwealth Aboriginal Rental Housing Program and State sourced housing funds. Regional Council Chairpersons form a major part of the Board of the AHO and Regional Councillors have a similar role in the Regional Aboriginal Housing Committees. This has started a process towards a higher level of coordination, improved service delivery and capacity building in the Indigenous community housing sector.

Council is developing better coordination with NSW DAA and NSW Department of Health in relation to the Aboriginal Community Development Program with regard to discrete and more isolated communities, to integrate that program with the National Aboriginal Health Strategy (housing and infrastructure program).

NAHS 2 and 2.5 have assisted Indigenous community housing providers to renovate or repair 131 homes and build or acquire 35 dwellings in 7 towns including one discrete community. Thus the need in towns has now been recognised as well as in discrete communities. These improvements contribute significantly to better health for Indigenous people.

- m) **Land Acquisition, Management and Economic Development** - BBRC are seeking to invigorate a partnership with the Indigenous Land Corporation and with NSWALC to augment its regional planning processes, to ensure the best support for economic development outcomes is available to Indigenous land owners.
- n) **Regional Indigenous Youth Advisory Council** - Council has initiated the development of a Youth Advisory Committee to provide advice to all agencies with an interest. The Committee held their first planning meeting in early May 2004. Council will seek the support and engagement of other agencies to ensure that this body can inform policy and planning for young people in the region.
- o) **Aboriginal Child, Youth and Family Strategies/Families First:** ICC staff participate in Regional Officers Group and Planning Group of the NSW Families First Strategy in the Riverina-Murray area and reports to Regional Council. Other areas within the region will require similar participation. We plan to co-locate a community development/planning officer in the Wagga Wagga ICC office.
- p) **Housing Loans** - Each year Council has provided advice on housing loans policy to enhance the accessibility to clients to affordable home loans. Over 500 Indigenous families have been housed in the region through these loans.

- q) **Local Government** - Council has sought to build effective relations with local governments in the region. Our regional local government strategies document guides their engagement. We have been able to assist community housing organisations to gain rates exemptions under the Local Government Act and have initiated and pressed for state level partnership agreement between ATSIC/ATSIS and the NSW Local Government and Shires Associations. Council is encouraging the engagement of Community Working Parties with their local councils (54 LGAs in the region) for local partnership building and providing advice in that process.
- r) **Binaal Billa Regional Enterprise Employment and Training Incorporated (BBREETAC)** - was established to provide community and organisational planning and capacity building support as well as the development of Indigenous businesses and improved employment outcomes. It began as partnership initiated by Council and ATSIC with the predecessor of the Department of Employment and Workplace Relations, later augmented with funding from NSW Department of Education and Training and the Commonwealth Department of Family and Community Services. More recently it has focussed on the role of being the only Indigenous Job Network Provider in the region.
- s) **Regional Cultural Centre and Keeping Place** - Council has identified the need for a place where important art, artefacts and other objects of traditional significance need to be kept in the region, not in museums elsewhere. A feasibility study and plan for a viable cultural centre and keeping place has recently been completed and Council will explore partnerships with other providers to establish and run the project.

These and other initiatives have the capacity to deliver outcomes that all agencies seek, including real advance against the COAG indicators. There is no way that local community structures on their own can develop these kinds of initiatives. Remove Regional Councils and have nothing like them and you remove the central and credible driver for current or future initiatives with a regional focus and run across several communities. All Indigenous people will be disadvantaged.

The achievements and initiatives above have been delivered because of the high level of cooperation and partnership between Binaal Billa Regional Council and staff now located within the Wagga Wagga Indigenous Coordination Centre.

The opportunity is taken to enclose copies of the following Regional Council Documents:

- Strategic Plan 2004-2007
- Annual Report 2003-2004
- Regional Data Report
- Regional Indigenous Community Profiles

Bad Policy Cuts the Ground From under Aboriginal Feet

Attachment A

August 5, 2004

A softly-softly approach to corruption in land councils is just part of the problem, writes Gaynor Macdonald.

After two decades observing land councils struggle with high expectations, few resources and scant accountability, it is hardly surprising that little seems to have been achieved and that reports of "corruption" still abound, as evident in the land deals exposed by the *Herald* this week.

When the NSW Aboriginal Land Rights Act was passed in 1983, local land councils were excited about receiving funds over which they would have discretionary power for the first time. Few people, Aboriginal or otherwise, did the arithmetic to show that the "vast" amounts being allocated would average \$120 to \$500 an Aboriginal person a year.

Yet it was promised that land rights would "meet basic needs" - housing, improved health standards, better education and employment opportunities. It clearly could not do so - but who went out to local land councils to explain that it couldn't? And what could be achieved, and how?

Twenty years later these questions are as pertinent as they were in 1983.

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I have seen examples of "best practice", what Aboriginal people can achieve under responsible, experienced and committed leadership.

There have been some terrific people in the land council system in NSW - at all levels. But they have battled with a structure that works against responsibility and accountability, leaving them no real power to "manage".

I have also seen successes swept away through ill-conceived change. The fact that there are local and regional land councils that have done well is a real credit to people who have not only had to deal with inadequacies in the act but also its major restructuring when it has proven to be a useful political football. As Wiradjuri people often say: "As soon as we get the ball, they shift the goalposts."

What the *Herald* coverage does not reveal is why so many local land councils are getting into the red in the first place, and why many end up under administration. Non-payment of rates is a major issue but why are they not paid? Two common answers come to mind.

First, land councils own land that may be insufficiently productive: it has been claimed or bought for reasons that do not accord with a market economy based on land values. The Aboriginal value lies in a history of dispossession and injustice.

Perhaps the Government should introduce a more flexible system of graduated rate payment, payable only when land becomes productive, a recognition that land is been acquired as a form of compensation.

Second, a great deal of land has been acquired for housing - an ongoing need - and many tenants have not paid rent. Some refuse because they "are living on Aboriginal land and shouldn't have to". The housing company that administers the houses cannot meet its commitments and is dissolved, the responsibility flowing back to the land council as land owner. The land council in turn is handed over to an administrator, who may or may not get more people to pay rent.

It has proved immensely costly in terms of relationships, time and energy to get such tenants evicted. I know personally of some who have trashed or torched houses when they are eventually, after years of effort by land council officers, moved out.

In the 20-plus years I have worked with Wiradjuri people in central NSW, I have seen as much cultural destruction under the policy of self-management as they experienced in the whole century before it.

Actual Aboriginal cultural practice has become harder and harder to sustain. The policy of self-management has been destructive of community-based authority structures, beliefs, kin-based relationships, internal political and economic values.

This in turn has promoted social problems on an unprecedented scale, including substance abuse, violence and corruption.

All too often in analyses of these issues, the impact of the massive decline in economic opportunities in rural areas is overlooked.

Self-management has not meant Aboriginal people could get together, empowered by structures through which valued and needed resources could flow, working out their own agendas, priorities and programs.

Rather, governments have created "relations of management" between Aboriginal people ("land councils") to encourage outcomes governments see as desirable. Under the rubric that self-management is an enlightened approach that frees Aboriginal people from bureaucratic control, they are required to become the bureaucrats, expected not only to manage their communities but also to monitor and police them.

The "softly-softly" approach taken in the past by law enforcement agencies towards malpractice in land councils, often to the despair of those trying to do the right thing, has been unhelpful. If people who had deliberately misappropriated funds in the early days had been charged and dealt with according to the law, others who followed later might have been discouraged from taking the system for a ride.

Clearly there are no simple "solutions". But there is a proven Aboriginal capacity, a willingness to learn, adapt and engage, even when this means confronting the enormous challenges that such change demands.

But they do need partners - government and private - with an equal will to see them succeed.

The *Herald's* story of blatant exploitation by private industry, and by some Aboriginal people, needs to be linked to years of government inactivity even when it has commissioned reports on which it might act.

In 1998 the inquiry by the Independent Commission Against Corruption into NSW Aboriginal land councils made useful recommendations relating to corruption prevention, few of which were implemented.

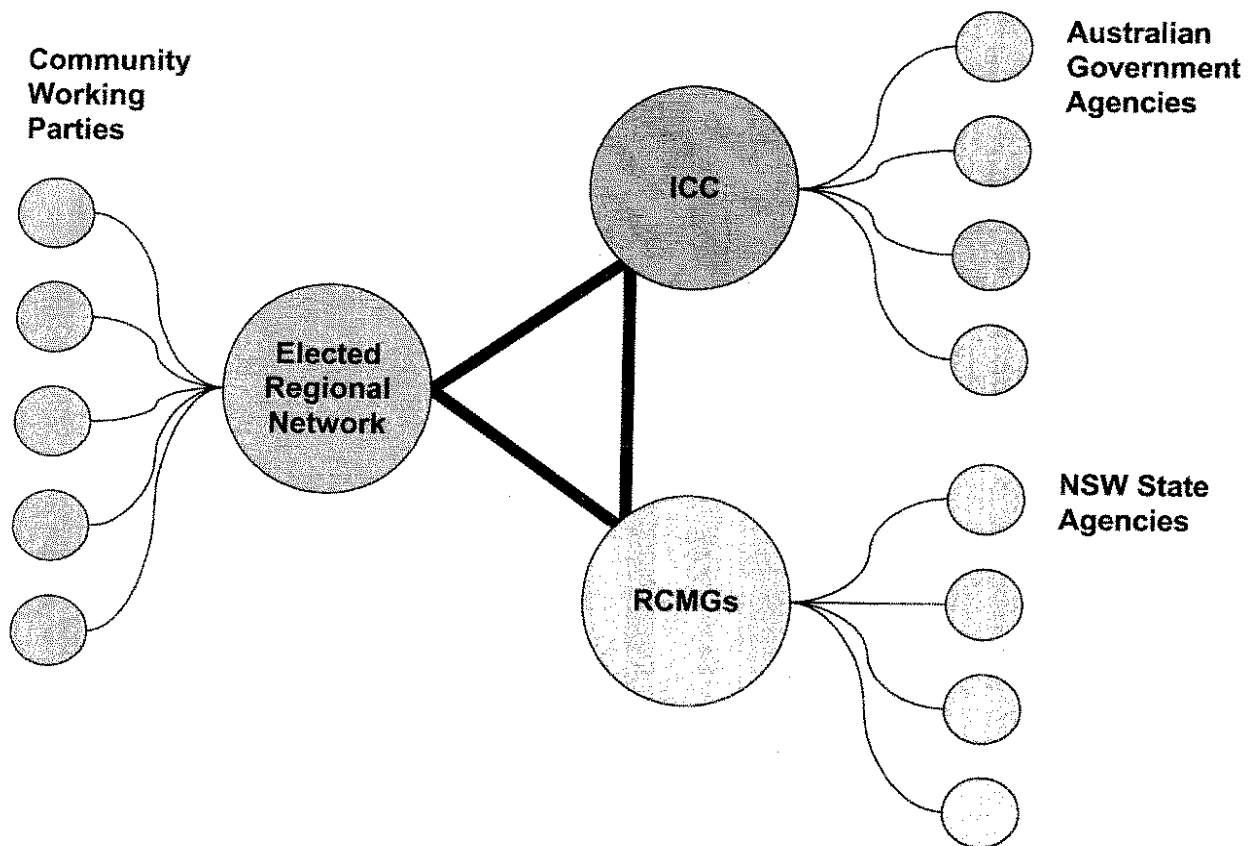
What Aboriginal land councils badly need is goodwill, respect, appropriate structures which encourage accountability, the right to the law when required, and the personnel and financial resources that can turn them around again.

That goodwill and support must start with the State Government.

Dr Gaynor Macdonald is a senior lecturer in anthropology at the University of Sydney and author of *Two Steps Forward, Three Steps Back: A Wiradjuri Land Rights Journey* (2004, Let Her Rip Press, Canada Bay).

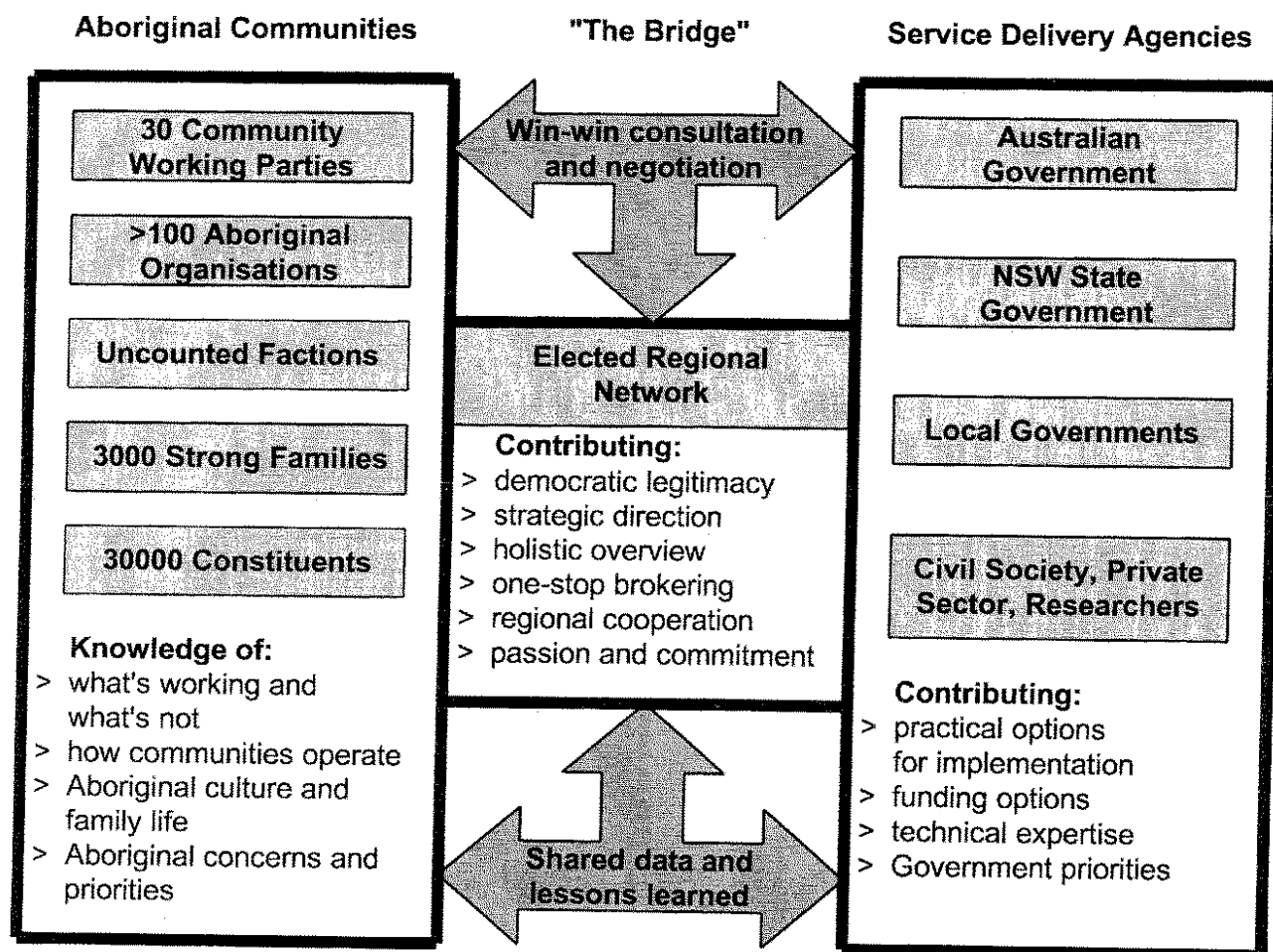
EFFECTIVE GOVERNANCE

Attachment B



EFFECTIVE PARTNERSHIPS

Attachment C



Robert Carroll
Binaal Billa Regional Council Chairperson

August 2004