

Submission regarding

**An office for advocacy and accountability in Aboriginal affairs in Western Australia
Discussion Paper**

7 September 2018

The Western Australian Council of Social Service Inc. (WACOSS) appreciates the opportunity to provide comment on the State Government's proposal regarding an office for advocacy and accountability in Aboriginal affairs in Western Australia.

WACOSS is the peak body of community service organisations and individuals in Western Australia. WACOSS stands for an inclusive, just and equitable society. We advocate for social and economic change to improve the wellbeing of Western Australians and to strengthen the community services sector that supports them. WACOSS is part of a national network consisting of ACOSS and the State and Territory Councils of Social Service, who assist people on low incomes and experiencing disadvantage Australia wide.

WACOSS welcomes the proposal to provide a voice for Aboriginal Western Australians to our Parliament and appreciate the wide consideration given to the independence, capability and influence of the proposed office (the Office). We firmly support the development of a mechanism that has strong community endorsement and is resourced to enable effective engagement and accountability across Government for outcomes, services and supports that impact on the wellbeing of Aboriginal Western Australians.

WACOSS has sought to support the consultation process for this important initiative by promoting the discussion paper through our networks, reaching out to our member services, particularly those who are Aboriginal Community-Controlled Organisations or deliver services in partnership with Aboriginal communities, and has offered our assistance to the Department of Premier and Cabinet to hold a consultation workshop with stakeholders in the Southwest (matching other consultations that have already happened in the Northwest and Central regions). We look forward to discussing the issues raised below with key stakeholders, and will undertake to provide additional commentary, analysis and advice to the WA Government based on these consultations, should you be prepared to consider these after formal submissions have closed.

WACOSS supports the recommendations made in the response to this discussion paper submitted by the Aboriginal Health Council of Western Australia.

Accountability for Public Service Delivery

WACOSS supports the concerns expressed by Aboriginal services, Elders and communities about the failures of many government systems and services to deliver fair and just outcomes to Aboriginal Western Australians and to hear the voices of Aboriginal communities in the political process – as discussed as a primary motivation for the discussion paper. The creation of more effective transparency and accountability measures is a necessary step that, although potentially quite powerful, is unlikely to be sufficient in and of itself to generate this change. Critically, what is also needed is to ensure that built in to the accountability process is meaningful community engagement in setting priorities and participating in decisions that directly impact on their lives, along with mechanisms to build local capability and resources, create the opportunities and jobs that empower individuals, families and communities to determine their own vision for the future.

In this context, we consider it necessary for there to be wider consideration to how the Office might work in partnership with the community services sector, especially Aboriginal community-controlled services and their peak organisations to improve accountability and transparency in the delivery of effective public services to Aboriginal Western Australians. This is particularly important in those areas where Aboriginal people experience disproportionately poor outcomes – including child protection and justice as well as health, education and employment. It is also critical in areas heavily influenced by the impacts of disadvantage, dispossession, exclusion and inter-generational trauma (including mental health, alcohol and other drug issues, family violence, self-harm and suicide) – all areas in which strengths-based culturally secure services that meet the particular needs of local communities are critical to delivering transformational longer term outcomes.

WACOSS continues to advocate for the development of a whole of Government strategy to increase the role of Aboriginal Community-Controlled Organisations (ACCOs) in the delivery of more effective, appropriate and culturally secure services and supports in areas of critical need – with a strategy to see service funding and delivery at least proportionate to the level of need within a decade (see Appendix 2 ACCO Strategy). A critical part of this strategy is the development of local place-based services that are responsive to local community needs; service procurement and commissioning mechanisms that actively investigate on-the-ground claims of community trust, engagement, knowledge and expertise; contracting pathways that enable transfer of control over time to community-based providers; and investment into progressively building the capability of Aboriginal services and workers to engage in service evaluation and contribute to regional service system planning and design.

WACOSS has welcomed recent WA Government initiatives to set Aboriginal employment targets through its contracting processes. We believe there is untapped potential for delivering employment outcomes, improving service quality, trust and impact by focusing more specifically on the Aboriginal human services workforce. To do so however requires a more deliberate strategy to address the opportunities and constraints within the human services industry, as longer term improvements in employment are unlikely in the current funding and contracting environment (we discuss these issues in more detail in Appendix 3 and will develop these recommendations further in this year's WACOSS Pre-Budget Submission completed next month).

These issues are relevant to the proposal for an office of Aboriginal accountability and advocacy for a number of important reasons. Firstly, we would expect such an office to play a critical role in the oversight and evaluation of these strategies, and to facilitate their codesign and development in

partnership with the sector. Secondly, because improving local engagement in the design and evaluation of community services is critical to ensuring their accountability for meeting local needs and aspirations and delivering measurable local outcomes. Thirdly, because longer term strategies will be required to have a real impact on areas of entrenched disadvantage and disproportionality (as discussed above).

WACOSS believes there is a significant gap in representation, policy development and advocacy as well as in the provision of resources and support for building the capacity and role of the ACCO sector in WA that would be best addressed by the formation and resourcing of an Aboriginal community sector peak body – as exists in other states. WACOSS has worked in collaboration with Aboriginal community service providers and leaders in WA (with support and assistance from the Department of Communities and Lotterywest) to support the development of the Noongar Child Protection Council and to engage with regional ACCOs with a view to forming a statewide peak body that is able to represent the wider ACCO sector. It is critical this work is led and owned by Aboriginal services and leaders, and their capacity to do so is greatly limited by the lack of dedicated expertise and resources in this area and the overwhelming demands on their roles and services dealing with high levels of unmet need in these critical areas.

We also note that we have seen important progress in tackling many of these issues in the health domain through long term investment and development of the Aboriginal community-controlled health sector, and support the leadership and ongoing work of the Aboriginal Health Council of WA in this area. We acknowledge both that the social determinants of health remain the biggest outstanding challenge in closing the gap on life expectancy and chronic disease; and that collaborative partnerships, co-location and cross-referral arrangements involving ACCOs and ACCHOs may prove the most effective and cost-efficient way to develop capability and have increased impact, particularly in regional areas. We recommend this as an area for further consideration.

Engagement and Representation

To be effective, the Office needs to have excellent consultation and engagement mechanisms with Aboriginal people and communities at a local and regional level. This relates both to how it consults (its commitment to co-design, co-production, co-evaluation of initiatives and services, its mechanisms for facilitating local processes and reporting back on commitments, progress and outcomes) and how it builds and maintains the trust of disparate local groups and communities (given existing goodwill).

The challenge that is faced, however, is that there are not existing effective local and regional Aboriginal government mechanisms that are transparent, democratic, culturally-secure and accountable. The history of government engagement with Aboriginal communities and the failure to deliver in the past the kinds of mechanisms of self-determination for First Peoples seen in other comparable settler colonialist societies casts a shadow over efforts to engage. This is not simply an issue of trust, but also of the way existing institutional and governance arrangements have been shaped by political interference. We still face the consequences of Ministers and Government agencies cherry-picking and anointing representatives to fit a political agenda, as well as the efforts of resource industry players and interest groups providing legitimacy and resources to forward their own interests.

As a result, there is a critical need to build local and regional capacity, mechanisms and trust in culturally-secure and democratic processes for governance, decision-making, participation and

consultation. This is not solely the responsibility of the Office, but it can play a critical role by modelling accountability and transparency, and requiring that good process is demonstrated in community consultation, engagement and participation in decision making.

There is concern that some recent Government processes (eg consultations and planning by the Regional Services Reform Unit and now Department of Communities) appears to have recognised and elevated some community models (eg Empowered Communities) and not others, and that consultation and 'co-design' processes have not necessarily been open and transparent.

A significant focus needs to be, therefore, on building effective engagement mechanisms that are based on principles of self-determination, are trusted by the community and develop local capacity.

Independence and Power

WACOSS is strongly supportive of the proposal that the Office is independent of the Government of the day. This is crucial both so that it can be a source of fearless and frank advice to Government, and to ensure that its duty and responsibility is always to the Aboriginal people in Western Australia.

It is important that the Office does have statutory power to enable it to seek information, access high-level officials and make authoritative statements on the record. The Office needs to be able to wield influence by being empowered to make reports to Parliament and engage with key government officials, portfolio holders and agencies as equals.

Other Jurisdictions

A number of other states and territories are in the process of creating mechanisms and structures to provide an effective voice and representation for Aboriginal people.

Part of Victoria's Commitment to Treaty process will be the establishment of an Aboriginal Representative Body. It held a number of community consultations and a Community Assembly to inform detailed recommendations to be considered in its formation by the Victorian Treaty Advancement Committee.

In New South Wales, the Government has released the OCHRE plan which sets out intentions to give Aboriginal communities a genuine voice in influencing how and what services are delivered, and in building governance and leadership capabilities.

The Queensland Government has committed to implementing the reforms proposed by its Productivity Commission Inquiry, which includes establishing new governance structures that are representative of community voice, support local decision-making, streamline coordination, and support community-led service delivery that addresses the needs and priorities of community and result in improved outcomes.

Next Steps

WACOSS reiterates the recommendation by AHCWA for a phase-two consultation process that, with resourcing and support by Government, is devised, led and implemented by Aboriginal people, with and for Aboriginal people.

If you would like to discuss this submission further, please feel free to contact the WACOSS Research and Policy Development Leader Chris Twomey at chris@wacoss.org.au or 9420 7222.

Yours sincerely,

A handwritten signature in black ink that reads "L. Giolitto". The signature is written in a cursive, flowing style.

Louise Giolitto
Chief Executive Officer
WACOSS

Appendix 1: Different jurisdictional models (and reforms):

South Australia

[Commissioners for Aboriginal Engagement](#)

[Treaty Commissioner](#)

[Aboriginal Nation Building Policy](#)

[Aboriginal Regional Authority Policy](#)

[Aboriginal Procurement Policy](#)

Victoria

[Aboriginal Victoria](#)

[Treaty Advancement Commissioner](#)

[Treaty Legislation](#)

[Treaty Bodies](#)

[Aboriginal Representative Body](#)

[Commissioner Aboriginal Children and Young People](#)

New South Wales

[Aboriginal Policy reform](#)

[OCHRE Plan](#)

[Deputy Ombudsman \(Aboriginal Programs\)](#)

[Deputy Ombudsman \(Engagement Aboriginal Communities\)](#)

[Aboriginal Languages Act & Nests](#)

[Growing NSW First Economy](#)

[Regional Industry Based Agreements](#)

[Aboriginal Procurement Policy](#)

[Opportunity Hubs](#)

Queensland

[Govt champions](#)

[Dept ATSI Partnerships](#)

[QPC: Service Delivery to Remote and Discrete Communities](#)

[Family Responsibilities Commission](#)

[Our Way Generational ATSI strategy 2017-2037 \(child protection\)](#)

Northern Territory

[Treaty commitment](#)

[Barunga MOU](#)

[Local Decision Making](#)

Australian Capital Territory

[Strong Families portal](#)

Tasmania

[Resetting the relationship](#)

[Strong families safe kids \(child protection\)](#)

Appendix 2: Strategy for community services delivered by Aboriginal Community Controlled Organisations in WA (ACCO Strategy)

This is an extract from the WACOSS 2017 PreBudget Submission – [At the Heart of Our Community](#)

ACCO Strategy

While increasing Aboriginal employment in mainstream services is necessary to ensure they are more accessible and appropriate for Aboriginal clients, much stronger gains are likely to be made in delivering responsive services that achieve transformative and sustainable outcomes in service areas with a high proportion of Aboriginal clients by increasing the role of the Aboriginal community-controlled organisations (ACCOs).

Aboriginal community-controlled services already deliver a larger and increasing proportion of community services in other jurisdictions, particularly in service areas where there are a significant proportion of Aboriginal service users. This includes child safety and intensive family support; out of home care and family reunification; justice diversion and youth at risk services; mental health, alcohol and other drug services; health, education and aged care.

There is a strong and well-established Aboriginal community-controlled health services sector (ACCHSs) in WA that has the capacity, the community reputation and trust, and the local governance structures to play a critical role in establishing or supporting community services. While partnerships with mainstream community service providers based on the national partnership principles¹ provide one mechanism for establishing and building the capacity, ACCHSs may be better able to establish local Aboriginal community services more quickly and sustainably, as they have established local infrastructure, and experience in training and supporting an Aboriginal workforce. There may also be emergent opportunities for service co-location and cross-referral as well as the sharing of back of office and governance structures.

In addition to supporting and encouraging the development of Aboriginal workers, larger community service programs and initiatives should also include provisions and resources to enable the development of local community-controlled services as part of a whole of government ACCO strategy. We note that there has been a trend in human services towards fewer contracts with larger organisations, which is assumed to reduce the administrative burden of contract management within government, reduce duplication between service providers, and improve service efficiency. This trend, however, works against the interests of smaller local services and place-based strategies, potentially making it difficult to develop a local workforce, or increase service user engagement and trust. An alternative model is to have ACCHSs or mainstream services auspice local services, providing transitional backbone support or oversight in finance, governance, service reporting and HR. Service contracts need to be able to support the transfer of responsibility and control over time and tendering and commissioning processes need to both allow sufficient time for the development of such arrangements, be sensitive to and include provisions that support partnerships and transfer of control, and use local knowledge to ground-truth claims of local engagement.

Recommendation: Develop a whole of government strategy to increase the role of **Aboriginal community-controlled services** to deliver services proportionate to population need.

¹ [Principles for a Partnership-centred approach](#). WACOSS promotes these principles to its members and has previously recommend the WA Government develop matching principles for ensuring service contracts recognize and support partnerships that transfer responsibility and control to ACCOs.

Co-designing a comprehensive Aboriginal child protection system

The disproportionate number of Aboriginal children in out of home care continues to grow. As of June 2017, 2603 of the 4795 children in care were Aboriginal, making up 54% of all children in care in WA. While reforms to our child protection system, such as the introduction of Family Support Networks seem to have stabilized the number of non-Aboriginal children going into state care they have had little or no impact on rising rates for Aboriginal children. Furthermore, statutory authorities continue to struggle to meet the Aboriginal child placement principle target of 80%, reaching only 64% in 2016/17. Clearly a different approach is needed to reduce the growing cost and worsening outcomes for Aboriginal families in WA.

The Council **recommends** a state-level forum to co-design a **comprehensive Aboriginal child protection service system**, including prevention, early intervention and statutory responses². The forum would include child protection leadership from the Department of Communities, Aboriginal community-controlled and mainstream services, regional representation and consumer advocates. While not wanting to pre-suppose the outcomes of this process, we would expect that, building on best practice in other jurisdictions, it would include:

- Establish a **state-wide Aboriginal child protection peak body** based on regional representation to provide a voice on legislation, policy and program design.
- **Develop the Aboriginal community-controlled sector** across regional divisions, including a recognized entity model that provides systemic advocacy and supportive case management for Aboriginal children working alongside child protection staff within the statutory system.
- An **Aboriginal intensive family support program** that delivers universal prevention services as well as diversion and reunification support.

The Council recently provided back-of-house support for the formation of the Noongar Child Protection Council, at the request of community leaders. We support the vision of a peak body comprised of elders, advocates and community-controlled services to stand up for Aboriginal children in the child protection system and ensure children and families are connected to community, culture and country. We offer our assistance and support to other Aboriginal nations seeking to develop regional representation and advocacy, and look forward to when all regions of WA are well represented and adequately resource to come together to form a state-wide peak body (as in other states). The NCPC and WACOSS partner with and support the Secretariat for National Aboriginal and Islander Child Care (SNAICC) and the *Family Matters Roadmap* for reform.³

Recommendation: Co-design a comprehensive Aboriginal child protection service system

In-Reach Family Support

Properly resourced secondary family support can be a circuit breaker of a family's intergenerational involvement with tertiary services, and thus represent a future saving to government. In the case of Aboriginal families, where the legacy of past child removal practices has meant a lack of experience of parenting has combined with unresolved inter-generational trauma to increase family dysfunction, the state has a moral obligation to put right the unintended consequences of past policies.

² For more information see the joint Submission to the Review of the *Children and Community Services Act 2004 (WA)* by SNAICC, Family Matters WA and NCPC. [link] <http://www.snaicc.org.au/snaicc-joint-submission-review-children-community-services-act-2004-wa-april-2017/>

³ SNAICC, Family Matters Roadmap [link] www.familymatters.org.au/wp-content/uploads/.../TheFamilyMattersRoadmap.pdf

For a variety of reasons, some families in need encounter barriers to accessing services. These barriers are often not insurmountable, but without appropriate support their circumstances are likely to deteriorate, leading to statutory intervention. There are many factors that can contribute to a family's isolation – mismatch of family needs and supports available, cultural and language differences, lack of trust in mainstream or faith-based services, access to transport, low self-confidence, histories of trauma, and so on.

In-reach family support services are not new, and there have been many iterations of these service models over the years, that assist families to get on top of life's challenges and create a sustainable sense of normalcy. The earlier *Homemaker program* provided assistance with parenting, managing household budgets and establishing routines, perceived by many families as responding to their practical support needs without stigma. This mix of practical, educational, therapeutic and advocacy supports has been found to be most effective in responding to family needs and enhancing family's welfare.⁴ A strengths-based and non-judgmental approach, where there is time for workers to authentically and effectively engage with families, and flexible support plans tailored to meet the needs of each respective family, are recognized as good practice, and change is more likely to occur once mutual trust and respect is established.⁵ Access to adequate brokerage funds is also likely to be critical.

To this end, the Council **recommends** the state trial and **in-reach home support program**, co-designed to meet the identified needs of at-risk families and based on best practice in other jurisdictions.

This program should be linked to the whole-of-government ACCO strategy with services delivered proportionate to need, and linked into existing support and referral networks via FSNs as appropriate. The Council welcomes the initial seed-funding to support the establishment of a Noongar Child Protection Council as an important first step towards the future development of a state-wide Aboriginal children and family services peak body, as already established in most other jurisdictions. While we have welcomed the commitment to develop an ACCO strategy within child protection, we remain concerned that services have gone to tender before consultation and development of this strategy has taken place, and are concerned that the manner in which 'partnership' has been operationalised in recent tenders is not consistent with the partnership principles or the expectations of Aboriginal services. SNAICC and the [Family Matters campaign](#) have also called for renewed focus on proactive early intervention to support families,⁶ and there is a lot we can learn from best-practice in other states.

⁴ Tilbury, C 2015, *Moving to Prevention Research Report: Intensive family support for Aboriginal and Torres Strait Islander children*, School of Human Services and Social Work, Griffith University.

⁵ Kamarang Services, 2017 Aboriginal In-home Support Service (AISS) Consultations Report, Canning Vale, p 2 <https://www.dcp.wa.gov.au/ChildrenInCare/Documents/AISS%20Consultation%20Report.pdf>

⁶ 7th SNAICC National Conference Communique, <http://www.snaicc.org.au/7th-snaicc-national-conference-communique/>

Appendix 3: Aboriginal human services workforce development strategy

This is an extract from the [WACOSS Submission](#) to the [Service Priority Review](#)

The Service Priority Review posed the key question of how the public sector can increase the diversity of its workforce (2.7). Reviews of various policies and initiatives seeking to [increase public sector workforce diversity](#), including for instance employment of [people with a disability](#) or [Aboriginal staff](#) have demonstrated that good HR policy and practice is necessary but not sufficient to impact on employment outcomes. Processes have been put into place to avoid discrimination and provide practical support, but in practice they have [had little impact in improving outcomes](#) and increasing the numbers of disadvantaged and excluded groups within the public service. In contrast, mission-driven community-based organisations are more likely to proactively employ staff from excluded groups, but may lack the appropriate policies and supports to ensure they are able to do so effectively. Arguably the public sector could more easily and cost-effectively meet targets for employment diversity outcomes by providing incentives and appropriate training and support as top-ups to service contracts. This can have the added benefit of increasing the accessibility and effectiveness of services by including those with lived experience.

There are **two critical enablers** to achieving better life outcomes that the human service reforms need to address to ensure they have a significant impact on the gap in life outcomes and economic participation of Aboriginal families and communities:

- They need to develop **more sustainable and resilient economies** in regional and remote towns and Aboriginal communities;
- They need to create **more responsive, accessible and appropriate services** that effectively engage with Aboriginal families to produce transformative outcomes.

Both of these outcomes will require a planned, strategic and sustained strategy to develop a skilled Aboriginal workforce, and build and support sustainable Aboriginal organisations and businesses. Where those businesses already exist the new regional reform procurement policy should provide a constructive income stream.

We believe that an **Aboriginal Human Services Workforce Development Strategy** is the best way to achieve these outcomes. This appears to be a gap in both the current [regional reform strategy](#) and in [Aboriginal workforce strategies](#) that focus on more traditional roles in infrastructure and construction.

The regional reform [Roadmap](#) highlights the importance of workforce development, and identifies private industry as the main driver of regional economic activity, along with suggestions that there may be opportunities to increase public sector employment, and to include employment outcomes in tenders for public infrastructure. We understand that a regional Aboriginal employment package is being developed, which will include a public sector workforce, government contracting initiatives, procurement from Aboriginal businesses, and some form of Aboriginal workforce development strategy.

Given the ongoing and projected **growth of the service and caring economy**, high levels of **community need** for services and support, and the critical role that **Aboriginal community-controlled services** are likely to play in improving **access and engagement** to deliver better health and life outcomes for Aboriginal families. There is a strong argument for a greater focus on Aboriginal employment in health, education and community services. [Aboriginal community-controlled health services](#) have been a leader in this field in WA and the transfer of knowledge from

their lived experience is likely to be crucial in the development other Aboriginal community controlled community services, particularly in the family support, child protection and youth services

Not-for-profit community service organisations are well-placed to play a critical role in the development of a skilled and caring Aboriginal workforce. They will be willing and motivated to employ and train local Aboriginal workers, but many regional providers may **lack the capacity and resources** to do so effectively.

There is a significant risk that a strategy that does not address these gaps and challenges would be setting up Aboriginal people, communities and community services to fail.

A combination of contracting requirements, additional incentives, and training support is likely to deliver the most effective outcomes. Contracts over a certain size might have minimum employment and training requirements, additional resources made available to leverage increased employment outcomes, and access to targeted support to ensure Aboriginal workers are work-ready, have access to additional training where necessary and their supervisors have access to appropriate information and assistance.

In addition to supporting and encouraging the development of Aboriginal workers, larger community service contracts should include provisions and resources to enable the development of **local community-controlled services**. There is a clear trend within human service provision towards fewer contracts with larger organisations, which is assumed to reduce the administrative burden of contract management within government, reduce the potential duplication or overlap between service providers, and improve service efficiency. This trend, however, works against the interests of smaller local services, potentially making it difficult to develop a local workforce, or increase perceived ownership and local responsiveness of services. Mainstream service providers may be well-placed to play a critical role in the development of local community controlled services, potentially through developing operational models whereby they may continue to provide backbone support or oversight in finance, governance, service reporting and HR. Service contracts need to be able to support the transfer of responsibility and control over time. The national community sector peak bodies have developed [Partnership Principles](#) for mainstream community services delivering services to Aboriginal cohorts and communities.

We acknowledge the commitment of the Department for Child Protection and Family Support to put in place an [Aboriginal Services and Practice Framework](#) and commit to develop an [ACCO strategy](#), as well as the support they have provided for the formation of a [Noongar Child Protection Council](#) (to whom WACOSS is also providing some assistance). At the same time, Aboriginal community leaders argue that, with Aboriginal children making up 54% of all children in care in WA (despite representing around 4.5% of their age cohort), Aboriginal child protection and family support services should now be the 'mainstream' services, rather than an emerging area of specialization.

Recommendations:

- Develop an **Aboriginal workforce development strategy** that provides incentives and support to increase Aboriginal employment in human services contracts.
- Support the development and build the capacity of **Aboriginal community-controlled organisations** to deliver community services, measure and report on service outcomes.
- Ensure **service procurement processes** support the development of ACCOs and that service contracts enable **partnerships** between ACCOs and mainstream service providers to build capacity and **transfer responsibility** for service delivery over time.

Appendix 4: Aboriginal Policy and services - Mick Gooda

NT Royal Commission – extracts from [presentation to CCYP](#)

There is a need to confront some sort of 'inquiry mentality', in which investigation is allowed as a substitution for action, and reporting is accepted as a replacement for results - Peter Callaghan SC

The Intervention exemplifies an attempt by government to tackle child abuse and neglect and improve community safety through a series of centrally determined top down measures, with little involvement of the targeted communities or Aboriginal organisations in either program design or delivery.

Multiple studies have shown patients who become more activated are more likely to engage in preventive behaviour, such as having regular check-ups, screening and immunisation, eating a healthy diet and exercising. They are also more likely to have normal scores for body mass index, blood sugar, blood pressure and cholesterol.

This evidence is consistent with the finding that greater control over the conditions of life is associated with better wellbeing in many dimensions, both for individuals and communities. For example, there is evidence that lack of control and disempowerment are important social determinants of health outcomes, as they are linked to stress and anxiety.

Relationships

The relationship between governments and the Aboriginal community has been a defining part of the Australian story. It has waxed and waned through many iterations over the last 229 years and has been variously contextualised through eras of colonisation, invasion, settlements, frontier conflicts, exclusion, integration, assimilation, normalisation and reconciliation.

Through these phases, this relationship has been underpinned by many concepts: self-determination, self-management, mainstreaming, rights and responsibilities, shared responsibility and mutual obligation, and 'closing the gap'.

There have been numerous commitments to reset the relationship. This has generally followed an election and a change of government; a catastrophic event such as the death in custody of the young woman in the Swan Valley community; a government initiated measure like the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC); the Northern Territory Emergency Response (the Intervention); or the establishment and reporting of an inquiry.

The creation of a government-selected advisory body or consultation process predictably follows, which then predictably dies a natural death at the next election where an incoming government continues the cycle and once more commits to resetting the relationship. This circularity of policy and approach has produced a generation who are both cynical and fatigued.

Measuring Outcomes

At any one time, there is likely to be a myriad of interventions affecting the Indigenous population. This means that it is very difficult to evaluate any single program in a particular Indigenous community because a multitude of programs are being delivered simultaneously.

The number of simultaneous activities (many unrelated to the Intervention), the long lag time between actions and outcomes, and the short duration of the Intervention mean it is rarely possible to attribute outcomes to individual measures.

Funding

'[t]he Commonwealth [was] not in a position to easily provide such information, as it does not have a central repository or record of all programs or services, and associated funding, provided specifically for or in the Northern Territory.' ... because of the very large numbers of Commonwealth programs and grants, the multiple sources of information, and the limited timeframe in which the Commonwealth has been required to provide the data, [it could not] be absolutely satisfied that the data is accurate or complete [and] ... there are lines of programs or funding that were unable to be identified in the available time.

Tendering

The current approach of contracting multiple service providers to deliver multiple discrete programs in large and small communities has led inevitably to fragmentation of the service system.

The effort to specify what is required and then contract providers to deliver it in measurable units at a given price is appropriate for some kinds of services. For example, the laboratory processing of blood tests is a highly specific service and its conduct is standardised, replicable and itemised.

These conditions do not apply to complex human services. For example, keeping women and children safe from family violence while intervening with perpetrators to change their behaviour is a complex undertaking that needs to be tailored to local circumstances and individual needs.

Research has shown that providers of complex human services get poorer results when they focus on itemised outputs and neglect their obligation to work towards broader service goals and community outcomes.

Place-based practice-informed approach

The complexity and uncertainties of youth justice and child protection work require innovation, informed over time by experiences of success and failure.

Using funding guidelines to 'rollout' or repackage solutions, seeking to transplant their form from one place to another, is not likely to lead to success.

Every place has different histories and languages, different local responses and different social, political and cultural dynamics. Each has strengths and capacities along with problems and deficits.

This diversity is not amenable to the 'rollout' of uniform policies or structures.

Subsidiarity - Place-based approaches to youth justice and child protection will work best when managed at the lowest level possible.

Functions should be devolved to different levels of the system based on effectiveness and efficiency, and as negotiated

Reforms

- A commitment to long-term engagement, with a shared vision over short, medium and long-term periods
- Agreement on the use of a place-based approach to implementation that varies according to the needs of the local community
- Acceptance of the inevitable variation in capability, priorities, strategies and service delivery approaches in different places

- An agreement by governments to delegate necessary decision-making authority to local and regional levels
- Capacity to allocate resources to common purposes, and
- Tailored accountability frameworks that acknowledge interim outcomes, such as increases in capability and governance, rather than simply focusing on service outputs.
- Local/regional Aboriginal organisations need to be supported and assessed on a level playing field that recognises and measures their unique contributions, including capacity development outcomes
- Service delivery contracts and agreements need to incorporate requirements for agencies to negotiate shared network governance with community representatives and each other, and
- The service governance task needs to be resourced with both time and money.
- Governments need to delegate additional decision-making authority to regional and local level decision-makers to counterbalance the powerful pull of the centre, whether in Perth or Canberra
- Those regional/local decision-makers need to have the capacity to share designated resources for common goals horizontally across departmental boundaries and within the community
- Communities need to consider their priorities, the methods of engagement they prefer or will find acceptable, and how they will be represented

Bourke principles

Our organisations will build partnerships based on mutual trust, respect and commitment. Programs, projects and services operating in Bourke must work with Bourke Community to ensure that they:

- Are culturally competent and culturally secure
- Build the capacity of local Bourke Aboriginal and Torres Strait Islander people
- Have an Aboriginal and Torres Strait Islander employment strategy that is endorsed by the Bourke community
- Be responsible to the local Aboriginal and Torres Strait Islander community, through Bourke's own representative institutions
- Do not duplicate other service
- Are coordinated with other services; and
- Have an exit plan

Appendix 5: Indigenous Data Sovereignty backgrounder

Excerpts from [*Indigenous Data Sovereignty: Toward an Agenda*](#), (2016) Tahu Kukutai and John Taylor, ANU.

In 2015, an international group of scholars, representatives of Indigenous organisations and government personnel from Canada, Australia, Aotearoa/New Zealand and the United States, gathered in Canberra to participate in a workshop, 'Data sovereignty for indigenous peoples: current practice and future needs'. The purpose of the workshop was to identify and develop an indigenous data sovereignty agenda, leveraging international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In an age when data permeate our lives daily, issues relating to data consent, use, ownership and storage have become increasingly complex. While indigenous peoples have long claimed sovereign status over their lands and territories, debates about 'data sovereignty' have been dominated by national governments and multinational corporations focused on issues of legal jurisdiction. Missing from those conversations have been the inherent and inalienable rights and interests of indigenous peoples relating to the collection, ownership and application of data about their people, lifeways and territories.

The multifaceted nature of indigenous data sovereignty gives rise to a wide-ranging set of issues, from legal and ethical dimensions around data storage, ownership, access and consent, to intellectual property rights and practical considerations about how data are used in the context of research, policy and practice. Similarly, the scope of the indigenous data ecosystem is vast and includes data generated or held by indigenous communities and organisations, governments, the public sector, international governmental organisations (IGOs), NGOs, research institutions and commercial entities.

The importance of data for the advancement of indigenous self-determination and development has been emphasised by indigenous NGOs (Tebtebba Foundation 2008), and communities. At these events, indigenous representatives have raised concerns about the relevance of existing statistical frameworks for reflecting their world views and have highlighted their lack of participation in data collection processes and governance. As a result, the collection of data on indigenous peoples is viewed as primarily servicing government requirements rather than supporting indigenous peoples' development agendas. Current discussion here is focused on an 'implementation gap', where even good intentions by nation-states in the form of legislative and administrative changes might fail to deliver the benefits that indigenous peoples seek (Malezer 2009). While not denying some role for centralised data collection, what indigenous peoples are seeking is a right to identity and meaningful participation in decisions affecting the collection, dissemination and stewardship of all data that are collected about them. They also seek mechanisms for capacity building in their own compilation of data and use of information as a means of promoting their full and effective participation in self-governance and development planning.