

The Governor's Oration.

Cranlana

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Can the world's oldest living cultures survive the impact of dysfunctional government?"

A summary: What are correctly described as the world's oldest living cultures are a precious part of what makes Australia. These cultures in all their diversity can be found across the whole country, in remote and rural areas and in all our cities. What this talk is primarily concerned with is the minority of Aboriginal Australians who live in remote Australia in hundreds of settlements on country from which they have never moved. These communities are the repositories of the songs and stories that record their land focused cultures. They sustain distinctive Indigenous communities and are the main occupants of many remote regions. For the last five Parliaments, despite government rhetoric to the contrary, they have been subjected to top down government knows best policies and administration that has reduced Aboriginal agency, used punishment and the removal of sustaining programs to achieve government ends, removed the base of local administration and encouraged dysfunction. The results of continuity of poor policy and administration under Howard Rudd Gillard Abbott and now Turnbull are evident in the available statistics about remote communities. Without systemic reform of policy and administration we will continue to strangle the world's oldest living cultures in those places where it survives in its most original form. What can we do about it?

I shouldn't need to argue the case about the cultural value and importance of remote communities. Talk of Australia having the world's oldest living cultures is so frequent in the mouths of politicians it is a national cliché.

As an example, when the Prime Minister delivered the compulsory closing the gap speech to Parliament in 2016 he said:

"For more than 40,000 years Aboriginal and Torres Strait Islander people have cared for this country. Theirs are the oldest continuing cultures on earth. Our nation is as old as humanity itself. The stories of the Dreamtime, the rock carvings on the Burrup Peninsula, these speak to us from thousands of years, so far away, time out of mind, linked by the imagination, the humanity of our first Australians."

In that same speech he also said, and this goes to the core of what I am talking about tonight:

“Yet we have not always shown you, our First Australians, the respect you deserve. But despite the injustices and the trauma, you and your families have shown the greatest tenacity and resilience.”

The Prime Minister is acknowledging two important things here, they, the Indigenous people, survived despite us, yet we have not shown them the respect they deserve.

In August last year at the great festival of Yolngu culture at Garma on the Gove Peninsular he said:

“I am filled with optimism about our future together as a reconciled Australia.”

Last month scientists and researchers revealed new evidence that our First Australians have been here in this land for 65,000 years.”

And after enthusiastically describing other evidence of this deep and continuing culture he went on:

*“Importantly, they confirm what Aboriginal people have always known and we have known - that your connection, your intimate connection to the land and sea are deep, abiding, ancient, **and yet modern.**”*

*This news is a point of great pride for our nation. We rejoice in it, as we celebrate your Indigenous cultures and heritage as **our** culture and heritage - uniquely Australian.”*

If we read that and the many similar statements of our political leaders, we might think that given their pride in Aboriginal culture and their affirmations of reconciliation all is well. But that is not the truth.

The views of the great cultural and political leader of the Gumatj Clan of the Yolngu people, Galarrwuy Yunupingu, suggest a different truth. In a long essay in the Monthly in July 2016 that repays frequent reading he said:

“What Aboriginal people ask is that the modern world now makes the sacrifices necessary to give us a real future. To relax its grip on us. To let us breath, to let us be free of the determined control exerted on us to make us like you. And you should take that a step further and recognise

us for who we are, and not who you want us to be. Let us be who we are—Aboriginal people in the modern world—and be proud of us. Acknowledge that we have survived the worst that the past has thrown at us, we’re here with our songs, our ceremonies, our land, our language and our people—our full identity. What a gift this is that we can give you, if you choose to accept us in a meaningful way.”

And in the same essay he said:

“All the Prime Ministers I have known have been friendly to me, but I mark them all hard. None of them has done what I asked or delivered what they promised. I asked each one to be truthful and to honestly recognise the truth of history, and to reconcile the truth in a way that finds unity in the future. But they are who they are and were not able or not permitted to complete their task.”

Galarrwuy speaks the truth of our present circumstance. Remote communities are being strangled and are losing ground.

In 2014, I delivered the 11th ANU Reconciliation Lecture, which I entitled “Is Australia Big Enough for Reconciliation?” I repeat what I said then.

“There is much in Australia today to suggest that we are not very interested in allowing room for Indigenous cultures to continue to be part of our national fabric. Whatever lip service we offer the world’s oldest living cultures, the clear message from our actions is that our main concern is to bring Indigenous individuals into full enjoyment of their rights and duties as Australian citizens. There is no clear message that we understand and value these cultures as part of our nation. There is no indication from our actions that we will preserve sufficient space for the Yolngu, the Nyungar and so on to retain collective identities and distinctive cultural spaces. In the case of remote communities that still observe practices close to those of pre-settlement cultures, the policies of successive governments seem designed to strangle them.”

Regrettably, four years on, what some saw to be my somewhat pessimistic view has been vindicated.

Change has been promised but not delivered. What the last two Prime Ministers have offered is regionalisation of administration and simplification of programs, to work with Aboriginal people rather than doing things to them. That would be a respectful and effective approach.

Government rhetoric is replete with references to empowerment, regional and place-based approaches, direct negotiation with Indigenous communities, partnerships and a host of emerging techniques that recognise the importance of the community as the primary driver of change.

What we actually have, however, is ever increasing centralisation of top down command and control type decision making rather than a decentralised and regional approach which provides for place-based decision making in partnership with local communities.

The current Minister, Nigel Scullion, at Barunga just a fortnight ago in responding to demands for a national voice described his current centralising role in stark terms. He said a voice to parliament was “all fluff” compared with the power his job holds.

“It’s my job, mate. It’s my job,” he told Sky News. “I have the money and I have the capacity, not me, but the job has the capacity to allocate funds, to create policy, to create change and to do stuff ... Now if you don’t have that you’re just fluffing around the edges. You don’t want a voice to parliament, you don’t want a third chamber ... it is nothing next to the decision-making, the policymaking, that comes with my office”.

Asked whether he was proposing putting the powers of his job in the hands of indigenous Australians, Senator Scullion said: “Absolutely. Because they would run their own thing.”

He knew from his interactions with Aboriginal people “that part of what they want is more control. So this should be a part of the conversation, a wider conversation.”

He had not “specifically” discussed his idea with Prime Minister Malcolm Turnbull. “My utterances are not necessarily the views of government,” he said.

It may not be a policy the Government would admit to, but it is what the Government does. The evidence of the centralist approach directed by a Minister is seen in the repetitive disruptive interventions designed and imposed by central governments, be they Commonwealth, State, or Territory.

These changes remove Aboriginal agency, the right and capacity to make their own decisions on matters affecting their lives. They diminish both Aboriginal authority and engagement. They deny a right to be different. They serve to strip away the dignity of those who suffer the humiliation

and despair of being characterised as not only welfare dependent but without any social value within their own communities and territories.

The changes imposed by governments do not relax the grip of external authorities; they do not permit Aboriginal people to breath.

It is distressing to see the superficial recognition of traditional culture through the obligatory photo opportunities that Prime Ministers and other leading politicians seek out when visiting the more traditional communities in remote Australia. What is not recognised by those politicians who receive the respect and ceremonial hospitality offered to them, is that traditional culture requires of them a degree of reciprocity and a giving of something of value in return to those who have offered their hospitality and courtesy. It is inevitably a one-way street, with the politicians receiving the plaudits and kudos of public recognition, while the communities wait for some reciprocal action on the part of the government in support of their local ambitions. As Galarrwuy Yunupingu has observed, "*None of them has done what I asked, or delivered what they promised.*"

It is my view that the dysfunction in Aboriginal communities is very much the product of incompetent government interventions made sometimes in good faith to address an issue or problem but without any attempt to understand the real needs of the communities. These needs include

-involving the people as the key actors in any change and –

recognition of the need for stable administration of communities and

a clear statement about their futures

I have been observing some remote communities in Western Australia and other desert areas for about 40 years. During that time, I have seen periods of real progress based on strong Aboriginal leadership supported by honest staff and enabled by stable policies that permit local involvement in design and deliver of policy. I have seen those periods of progress disrupted. Since the intervention in the NT the pattern has been to drive change through punishment and control with existing positives being undermined by externally imposed changes. That results in poverty despair and rebellion rather than progress.

Even a partial list of externally driven changes imposed on remote communities over recent years explains present despair and dysfunction. Let me list some of them.

- The unilateral abolition of ATSIC which was the last effective structure across the regions. It was diminished not by its performance at a regional level but by a national board that lost government and public confidence. It is instructive to now hear Indigenous voices again calling for a regional approach that would revive the degree of Indigenous agency and inclusiveness that the ATSIC regional structures provided.
- The NT intervention that imposed across the board mandatory income management on functional and dysfunctional individuals alike. This approach has been continued by every government since despite the lack of positive results.
- The NT local government reforms that, with the stroke of a legislative pen, confiscated local community council assets and diminished, if not removed, their community governance functions.
- The abolition of CDEP, an employment program that paid wages and enabled communities to determine work priorities. It was replaced by an ineffectual mainstream model, RJCP, that collapsed after two years of failure to be replaced by CDP. In contrast with CDEP the current CDP keeps everyone locked in to the welfare net of Centrelink despite the current Minister's public claim he wants to return to a wage-based system with add ons, the right to earn additional income. Instead the racially discriminatory provisions of CDP which impose harsher requirements on Aboriginals in remote communities than on anyone else in Australia has resulted in remote Aboriginals being the most breached, the most punished and the most impoverished section of the welfare community.
- The unilateral decision of the Commonwealth to exit the municipal services program in remote communities, despite claiming this was done by agreement with the States. This vital element of support for remote communities is, like the abandoned remote housing program, subject of what is essentially a cost shifting dispute between governments.

There are more stark examples of externally imposed disruption by governments, leading to greater dysfunction within the communities they were supposedly supporting.

One is a decision by the Western Australian State Government to put a contract, previously held by a locally based Indigenous organisation, to repair and maintain housing on the Ngaanyatjarra lands, out to tender.

The communities on the Ngaanyatjarra Lands have the capacity to repair and maintain their own community housing. For years, under contract with the State, that capacity was used. In 2015, no doubt in search of efficiencies, the contract was put out to tender and awarded to a NSW based company with no local capacity. This removed an important economic opportunity from the community. The results were a predictable disaster. Vulnerable people were left for lengthy periods without vital repairs to houses including electrical and plumbing faults. In communities with housing shortages houses could not be occupied because they were not serviced. In one six-month period \$400k of work was billed of which \$360k was for travel. This was happening in a period where other parts of the State government were successfully using the same local community contracting service to undertake major repair and maintenance work on government buildings located in the same Indigenous communities. Despite strenuous representations by the communities the contract has not yet been returned to the community, although the head contractor is now getting them to do the work under subcontract.

Another example is the implementation of a Commonwealth program to encourage vital school attendance in remote communities. This program was designed and administered by officials under Ministerial instruction. In 2016 I happened to be present at a multi-agency meeting in Perth on a Thursday morning when the Commonwealth advised the Ngaanyatjarra Council that it was urgently implementing a new program, it would provide a contract that afternoon, and that the Council had to have people on the ground the following Monday. Unsurprisingly a program implemented in such a way has required constant adjustment to meet the actual circumstances in communities. This was just another case of waste and confusion instead of consultation and working in partnership on significant issues.

In 2014, the WA State Government caused a period of panic and heightened uncertainty in remote communities across Australia when Premier Barnett announced the closure of an unspecified number of remote communities. This is sadly typical of how these communities are treated by central governments, their futures the plaything of passing politicians. Remember Tony Abbott's reference to lifestyle choices.

As a consequence of the public reaction to the proposed closing of the remote communities, the then state government reviewed its decision and moved to develop a more considered approach. In 2016, led by Ministers Redman and Morton, the State produced a well considered, rational and workable remote community policy. It also set up a dedicated agency to deliver the policy. This was an exceptional attempt to bring a degree of clarity and predictability to a government's remote community policy.

As is the way of democratic politics, however, within a short period, the relevant Ministers and the Government were gone and a new government is now grappling with the same issues with a yet to be ascertained overall policy framework. Given the Government's budgetary situation, and with a major reorganisation of administrative arrangements in train, it is not clear what priority remote communities will have.

These are just some of the many examples of government dysfunction and lack of direction that has contributed to the frequent disruption of remote communities. Government engagement is often chaotic, unpredictable and without a clear sense of what future communities can expect.

There are, however, programs that are the exception, the ranger and caring for country programs. They are worth highlighting as their success points to how governments could better approach their engagement with Indigenous communities across remote Australia.

These programs, working on and caring for country, build on Aboriginal traditional knowledge and expertise. Vast Indigenous Protected Areas and other native title lands need management. Work on fire control, control of feral animals, protection of endangered species, carbon reduction possibilities, engages remote communities because the country is central to their lives and aspirations. Supported by governments, industry and philanthropists, the objectives are environmental but the gains are social, economic and cultural. An independent evaluation by Social Ventures Australia of the ranger program conducted by KJ and supported by BHP in the east Pilbara records a 4:1 return on investment in this program.

The success of these programs points to what needs to be done by governments to change the situation in failing remote communities. Local engagement is essential. When you have it change happens. When you don't it doesn't.

It is in one sense not complex. We need to do what the Prime Minister, on the excellent advice of Chris Sarra, says he wants to do, to work with, not do things to, Aboriginal people. In this the PM is in line with the descriptions in the Overcoming Indigenous Disadvantage reports which repetitively include the preconditions for success in closing the gap. *Community involvement in program design and decision making – a ‘bottom up’ rather than ‘top down’ approach.*

This is really no more than common sense. Wicked problems, problems affecting people that are multi factorial such as health, education, social order, and employment, do not admit to solutions which do not involve the active participation of those involved.

The real issue is how to close the gap between stated government intention and what is actually done.

The essential first step is for governments, and particularly the Commonwealth government, to recognise that it is necessary for government to change.

This is not an eccentric view of mine. The Dean of the Australian and New Zealand School of Government, Professor Ken Smith, said recently:

“It is difficult for government and those of us in the public sector to acknowledge that we do not have the policy answers. We do not know best. The public policy challenge in Indigenous Affairs is immense, and a substantive rethink of our assumptions and approaches is necessary. It is vital that we acknowledge this. Only by recognising our failings can we open ourselves to a new way.”

I hold the view, following on my extensive contact with the officials charged with the implementation of current government policies in Indigenous Affairs, that they would welcome change. But their capacity to change is impeded by a lack of political authorisation and the absence of appropriate administrative, financial and legal frameworks that would enable them to make the necessary changes.

Both the Australian and Queensland Productivity Commissions have concluded that governments must change the way they do business if the rhetoric of empowering Indigenous communities is to become reality. In a recent report on remote communities the Queensland Productivity Commission stated that the state government should transfer accountability and decision making to regions and communities, reform

funding and resourcing arrangements and monitor progress through independent oversight

The Australian Productivity Commission came to a similar conclusion earlier this year when it stated:

“Governments will need to adjust their structures and processes and build the capabilities of their staff to implement more localised (including place-based) approaches...

To move beyond rhetoric on community engagement and involvement, governments should shift the balance away from centralised decision making toward greater regional capacity and authority. To do this governments should give local staff more authority over local planning, engagement and service implementation. Governments would need to support this transition by authorising, resourcing and building the capacity and capability of staff working on the ground.”

What all these statements demonstrate is that there are critical top down decisions required from government to enable bottom up approaches to be possible. Government, probably through the head of government, needs to acknowledge that the system, the status quo, is not working and that systemic change is required and will be delivered. Those systemic changes include providing a different framework of authority and accountability. The need for that has been identified by the closing the gap reports and the productivity commissions I have quoted.

What are we to do?

My references to the PM are not gratuitous. The PM of the day matters because only the head of Government can authorise the systemic changes so desperately needed. These include:

- a clear policy framework for remote communities and an end to random Ministerial decision making.
- establishing regional administrative structures with the skills and the authority to engage with communities and develop place-based solutions.
- authority to pool funds and require inter-departmental cooperation.
- ensuring the communities have resources to have local administrative capacity rather than relying on cannibalising

program administration.

Without these sorts of changes authorised and driven from above it will be business as usual on the ground.

Perhaps the core policy point needing to be addressed is whether Galarrwuy's plea

"...you should take that a step further and recognise us for who we are, and not who you want us to be. Let us be who we are—Aboriginal people in the modern world—and be proud of us."

can be tolerated and accommodated by Australia's system of government.

Is Australia big enough to accommodate communities that choose to be distinctively Aboriginal and if so on what terms?

My sense is that this is at the heart of our failure in remote communities. We are dealing with people whose primary concerns include maintaining culture and connection to country while our concerns are to make them what we want them to be.

As an admired friend, Peter Johnson, who has worked over many years with the desert Martu communities of the eastern Pilbara, has succinctly put it,

"Martu live in a different culture... it means their interests, their inspirations, their fears, their motivations, their perceptions and their priorities are all different... we can't apply mainstream policy prescriptions or expect mainstream policy answers to work."

I don't pretend that this is simple. Governments owe responsibilities to all their citizens including remote dwelling Aboriginals. And to be clear, governments have a vital and continuing role to play. They properly want children to be safe and to thrive, to have an education that enables them to function wherever they may choose to live, to be free of violence, to have meaningful work and to be self-sustaining whenever possible. Many government interventions about which I have complained are in pursuit of those worthy aims. But my point is that the way government interventions are devised and administered is often counter productive, destroying rather than building community adherence and capacity.

What is needed are interventions that build on the strength and capacity of remote dwellers. None of the ambitions of governments I have described are in conflict with the ambitions of Aboriginal people

themselves. All of them can be better achieved, indeed only achieved, with the active participation and involvement of both governments and people.

There are other views about remote communities. Some say close them, they have no economic base. They are not sustainable.

There is a need for a different lens to be applied. Where are most Australians employed? In the service economy. Remote communities also have service needs, for health, education, policing, local government, aged and disability services and so on. These areas provide most Australian employment and should employ people in remote communities. Locally relevant, locally designed and locally delivered services in remote communities provide large employment opportunities. Importantly, the vast land areas in which Aboriginal communities are the main permanent populations require management. There are large employment opportunities for environmental management, cultural industries, tourism, bush foods, and carbon capture.

We just need to get out of the neo conservative economic intellectual bubble to understand that these regions may have more prospect of economic viability than say the modern and attractive city of Darwin which exists on vast tax subventions from the rest of Australia.

What also has to be taken into the economic account is the enormous direct cost of social failure when people are driven off country. Ask the residents of our desert towns about the social and economic cost of remote dwellers driven off country becoming fringe dwellers.

Because there are different cultural historical and economic realities in different remote communities, the only practical and meaningful approach is to engage those communities within their own context and implement what is described as a place-based approach. Such an approach provides for a collaborative, flexible response to meeting local needs. It acknowledges that the community itself has to be the primary driver of change and that local data and evidence is needed to guide practice and innovation.

The place-based approach requires a long term shared commitment between the community, governments and other stakeholders. It needs recognition of the value of local knowledge and the primacy of social relationships. It requires actual not just rhetorical respect for a culture so different from that of the majority of Australians

To work successfully with remote communities requires knowledge of local culture. It requires adherence to what a long-term guide, colleague and collaborator of mine, Bill Gray, who, as a government official, lived in Aboriginal communities in the NT for many years, described as the necessary three Rs. Relationships, Respect and Response. These lessons were taught to government officials living and working in Aboriginal communities within the NT over 50 years ago but seem to have been forgotten over recent Parliamentary terms. These same principles must now be restated and acknowledged by governments in 2018.

Until governments are able to develop ongoing relationships with Indigenous communities and develop trust and respect for those they seek to govern, the response to government initiatives is likely to be no more successful than they have been for the past three decades. Governments will need to come to the table with communities able to act in a whole-of-government manner and to be flexible about program design and delivery.

The APS at the highest levels has identified the changes in organisation and processes that are essential if whole-of-government is to work. New accountability and authority frameworks are needed to empower public servants to work locally as partners rather than as bosses. Those frameworks have to square the circle between flexibility and accountability.

The critical change needed is for government to address its own governance. Currently, there is a massive gap between what governments say and what they do. In addition, there is minimal accountability on the part of governments for the way they go about designing and delivering services to remote communities.

The change required is substantial. It involves real changes to public service delegations, job descriptions, and accountabilities. That cannot come from within the APS. It requires political authorisation from the Prime Minister down. Unless that nettle is grasped by government, Galarrwuy, and all remote dwellers, will continue to mark them all hard as unable to complete the task of providing a better future for remote communities. The rhetoric about working with people is cheap unless it is backed by real action. As Indigenous people might say, governments need to walk the talk.

History tells us that Australia's oldest living cultures will survive, however badly we govern them. The tribes dispossessed and dispersed where there was close settlement have survived the worst we could do. The survival of the Warundjuri, Eora, Noongahs and so many others attest.

But there are harsh and ill remembered lessons from the past. When tribes were driven off pastoral leases on the 1960s they did not go off to better lives in the towns. They went off to misery and degradation on the fringes of desert towns. We are seeing that again today as harsh government policies make remote communities unliveable.

The real choice for remote communities is whether they will survive in misery, clinging on to their country in poverty and despair or have a real opportunity to forge new and decent lives on their terms as Aboriginals. What governments do will make that choice for them. Governments need to adopt the decent option, to walk their talk, to value the world's oldest living cultures, to listen to Aboriginal voices and to allow Aboriginal people to be prime actors in their solutions and their futures.

In the Uluru Statement from the Heart Indigenous Australians asked for a voice, asked to take a rightful place in their own country, asked for power over their destiny. Nowhere is this plea more relevant than in the remote communities.

My appeal to governments is to treat remote communities with respect, to partner them rather than bully them. I ask them to foster integration rather than by their actions demanding assimilation, demanding they be whatever we want them to be. I ask them to show respect for the deep cultural concerns, what Noel Pearson describes as the existential concerns, of Aboriginal people living today. We should honour Galarrwuy's voice: *Let us be who we are, Aboriginal people in the modern world.*