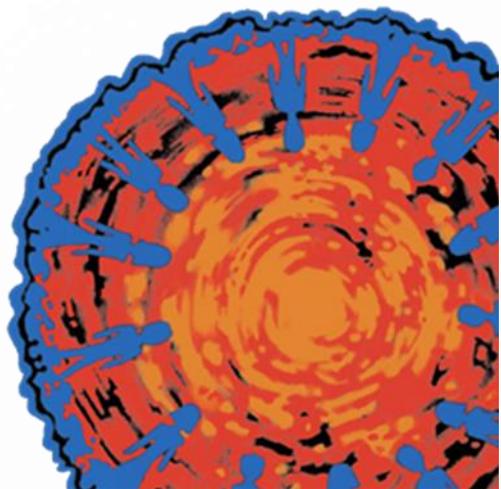


**SUBMISSION BY RECONCILIATION WA TO THE
GOVERNMENT OF WESTERN AUSTRALIA**
On the discussion paper -
*“An office for advocacy and accountability in
Aboriginal affairs in Western Australia”*



Submitted to AboriginalPolicy@dpc.wa.gov.au

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EXECUTIVE SUMMARY

Reconciliation Western Australia (RWA) welcomes the discussion paper released by the WA Government in June 2018 *“An office for advocacy and accountability in Aboriginal affairs in Western Australia.”*

RWA strongly supports all efforts to make government work better **with** Aboriginal people, it supports improvements in accountability, and the need for advocacy.

RWA also welcomes the fact that the Government is providing opportunities for Aboriginal people as well as people in government and others to make suggestions about the proposal.

RWA makes this submission, acknowledging the worthy and positive intentions of the WA Government to improve outcomes for Aboriginal people in WA, and providing input that we consider to be based on pragmatism and a realistic assessment of the successes and limitations of past efforts to achieve similar goals.

We respectfully urge the WA Government to be mindful of the experience of the past and to use the lessons learned as a lens by which to assess the merits of new efforts.

In summary, our submission suggests that the positive intention of the Government to improve services and ensure Aboriginal people are heard should not result in what could become another layer of administration merely commenting on areas of policy and/or administrative failure.

Only Government can determine the framework within which departments operate and for what they are held accountable.

Any office established for advocacy and accountability in Aboriginal affairs in WA must be done so to reflect a genuine commitment by the Government to operate in a way that is accountable for its outcomes with respect to Aboriginal people and be empowered to operate and implement such a Government commitment.



ABOUT RECONCILIATION WA

Reconciliation WA (RWA), is the Secretariat for the Reconciliation movement in Western Australia. We currently work with over 300 organisations across the Corporate, Government, Education and Community Sectors. In 2015, we began our membership drive to formalise these relationships and enable us to foster and progress the reconciliation movement State wide.

Reconciliation WA is a member of the Australian Reconciliation Network, led by Reconciliation Australia (RA). We work collaboratively with RA and the other state-based bodies to enhance our impact collectively. Our national coverage strengthens our capacity to represent the interests of Western Australians for Reconciliation at the Federal level.

We speak with and for all the Western Australians who regularly access reconciliation events and initiatives each year, to work towards closing the gap on our First peoples disadvantage and to foster a brighter and better West Australia for all; one that prides itself on the positive contributions our First Peoples make to our community and openly embraces the worlds longest living culture, whose voice and interests need to be brought to the attention of government, decision makers, media, business and the wider community.

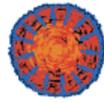
The Prime Minister's 2018 Closing the Gap report, built from the 2017 Productivity Commission Report into Overcoming Indigenous Disadvantage Report is one of the most damning to date and demonstrated that many of the Closing the Gap indicators appear to be worsening for our First Peoples communities who represent some of the most disadvantaged and vulnerable citizens within our society.

RWA is committed to respecting the strength and aspirations inherent in our First Peoples, and working to maximise the choice, control and independence that people have in their own lives; whatever challenges they are facing, recognising their capacity for resilience and recovery in all its forms. RWA works to strengthen the capacity of individuals, communities and organisations in the Aboriginal controlled sector by providing policy, training and advocacy and leadership activities.

"RWA stands for an inclusive, just and equitable society.

It is our purpose to translate goodwill at all levels of the community into meaningful change to close the gap on our First Peoples disadvantage and build a better future for all West Australians. We look to activate members to help to achieve this. Your support is imperative to our shared success"

James Back, Executive Officer, RWA



ACCOUNTABILITY AND ADVOCACY

RWA welcomes the intention of the WA Government outlined in the discussion paper to support greater accountability and advocacy for Aboriginal people in WA. We respectfully submit the comments below for consideration.

We agree with the statement

"...there remains a gap in the State's institutional framework– there is no independent entity with the express function of holding Ministers and agencies accountable for improving opportunities for Aboriginal people."¹

On the basis of the historical experience of many governments in many jurisdictions trying to do better, to co-ordinate across programs and governments, RWA also agrees with the statement that, in isolation the impact of any one of the current government initiatives is likely to be modest.

RWA suggests that there are other gaps in the institutional frameworks that if rectified would greatly increase the effectiveness of the proposed new office.

RWA also welcomes the readiness to consider views on other ways of addressing the issues outlined in the discussion paper. We suggest that the wide and powerful role proposed will be more workable and effective if it is operating in the context of there being a clear regional framework within which consultation with communities can result in locally designed policy and administration so that Aboriginal voices can be both heard and acted on.

An Accountability and Advocacy Office

RWA agrees with the significant factors identified in the discussion paper, which summarise the ways in which governments can improve wellbeing for Aboriginal people.

"Aboriginal people in Western Australia have been telling the government for a long time about what the government can do to work better with and for Aboriginal people. Over the years, many different consultation processes, reviews, and reports, including the Service Priority Review, have consistently shown the government's contribution to Aboriginal people's well-being can be improved with:

- *better coordination across agencies and levels of government*
- *better policy implementation and more customer-focused service delivery*
- *stronger, more systematic engagement with Aboriginal people*
- *more effective and coordinated use of data and evaluation.*"²

¹ WA Government, "An office for advocacy and accountability in Aboriginal affairs in Western Australia." June 2018 p2

² Ibid p3



These factors have been identified over a long period as critical to success. Over the same long period attempts to achieve coordination by top-down direction have failed, see for example the COAG trials. The third dot point above is at the heart of the matter. The importance of engagement and involvement has been identified in every closing the gap report as central to success, but this is never achieved through centralised policy and administration.

RWA suggests that there is little point in engagement if it cannot result in flexible, locally relevant approaches co-designed with the Aboriginal people concerned. It is a common complaint of Aboriginal people that they are endlessly consulted but it makes no difference, and they commonly experience that governments actions bear no resemblance to the relevant consultation.

For this reason, an Office for Accountability and Advocacy, must be a reflection of and backed up by a stronger commitment of the WA Government to implementing local solutions.

OUTCOMES FOR ABORIGINAL PEOPLE

RWA recognises the grave disparities in multiple life outcomes between Aboriginal and non-Aboriginal people in Western Australia and around the country.

We share the view expressed in the discussion paper that “greater accountability and advocacy will contribute positively to the kind of political and policy environment needed for lasting change.”³

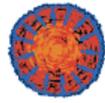
We suggest that the need for greater accountability and responsiveness to advocacy for outcomes to Aboriginal people needs to be embedded across government, not simply to be allocated as the responsibility of an independent office.

ABORIGINAL INFLUENCE AND PARTICIPATION IN ELECTORAL POLITICS

The reason local solutions are needed is explained by the realities identified in the discussion paper, that “*Other factors that work to reduce the influence of Aboriginal people on the political system are:*

- *Geographic dispersion across large distances dilutes Aboriginal people’s potential electoral power and makes cooperative action more difficult.*
- *Cultural diversity and political decentralisation mean there are multiple players and viewpoints rather than a single unified voice.*

³ Ibid p4



- *Local issues in regional or remote areas are less visible to decision-makers.*
- *Additional barriers are faced by people who are not fluent in English or have low levels of “mainstream” education, including literacy.*
- *Some Aboriginal people may be dissuaded from participating in decision-making structures or processes they perceive as alien or unwelcoming.”⁴*

These factors not only reduce Aboriginal influence on the political system but also negate any chance that there can be the strong systematic engagement with Aboriginal people on policy and administration the discussion paper seeks within the standard centralised system of public administration. The regional differences in history and circumstance listed above make any one size fits all approach doomed to repeat past failures. If business is conducted as usual on the basis of state-wide rather than regional approaches the overseeing body proposed will continue to oversight failure.

RWA suggests that regional voices shaping regional approaches to whole of government policy and administration are the fundamental building blocks for making real progress and meeting legitimate Aboriginal demands to be heard. In addition, if a truly regional and flexible framework was in place, the role of a commissioner for accountability would be transformed into a workable model as against a model likely to result in an organisation lost in the overwhelming detail of overseeing every area of policy and administration across the State, as well as trying to be an advocate for the diverse communities with very different needs and circumstances identified in the discussion paper.

Learning from other approaches

The successful Murdi Paaki Local Decision Making Accord which was established in New South Wales in 2015 provides an interesting perspective on this regional approach to policy development. The Accord between the Aboriginal people in the region and the New South Wales Government is underpinned by the following principles:

- Aboriginal people and communities have a spiritual, social, cultural and economic relationship with Country and/or place.
- Aboriginal leaders and Elders understand their own community needs. They have the drive and ability to develop their own solutions.
- Open acknowledgement of the injury and hurt caused by past government policies and assistance with healing.
- Respectful consultation and negotiation between government and Aboriginal communities, with the free, prior and informed consent of those communities.
- Regional and local solutions for regional and local problems, with ideas and help from outside when and where required.
- Responsibility, accountability and transparency in decision-making.
- Continuous improvement and adjustment when needed.
- Participation of Aboriginal people residing in the region.⁵

⁴ Ibid p4

⁵ Murdi Park Local Decision Making Accord



The adoption of such an approach in Western Australia would enable the objective expressed in the discussion paper to be achieved, that *“the office should be responsive to the needs and priorities of Aboriginal people. Instead of being limited to a particular subject matter (such as health, land, culture, or services), the office should be free to determine which issues relevant to the interests and well-being of Aboriginal Western Australians to focus on.”*

The Commonwealth experiment with Co-ordinator General to oversight its programs proved a failure because of the multiplicity of programs it tried to oversight resulting in an ineffective checklist approach and the ultimate discarding of the role.

A model adopted by the NT Government around the same time was more successful in achieving broad analysis and oversight in that jurisdiction but when the analysis proved embarrassing to the NT Government the office was discontinued. The WA Government might find the views of the once NT Co-ordinator General, Olga Havenen, helpful in shaping a workable approach in this State.

If the State was to put in place effective regional arrangements which gave people within those regions a voice and a real role in shaping policy and administration in that region the proposed office could have a more practical and workable focused role in auditing whether the regional structures were operating as State policy required. That is the course RWA advocates.

RWA is concerned that the positive intention of the Government to improve services and ensure Aboriginal people are heard should not result in what could become another layer of administration producing comment on areas of policy and administrative failure. The appointment of a Commissioner would not of itself produce systemic changes to the past and current centrally directed approaches that have failed Aboriginal people in the past. Only Government can determine the framework within which departments operate and for what they are held accountable. That is what Government needs to address.

RESPONSES TO QUESTIONS IN THE DISCUSSION PAPER

Functions of the new office

The discussion paper proposes that the functions of the new office “would be to hold the Government accountable, and provide system-level advocacy, across government activities affecting Aboriginal people. It would also work to ensure that the Government understands and responds to the views and interests of Aboriginal people.

RWA suggests advocacy about the system rather than all the particular activities of government. The points below are a reminder that how government goes about its business is critical. That is what needs to be externally monitored. A commissioner could report on



whether collaborative input is in fact occurring and is shaping policy and administration of policy.

The discussion paper details the many ways the office may do this, including:

- monitoring** the effectiveness and efficiency of service delivery
- identifying** opportunities to improve services, with collaborative input from government agencies and Aboriginal organisations
- assessing** the consistency of policy and performance with human rights, legislative requirements and government commitments
- assessing** the evidence base for government decisions and policies
- monitoring** and reporting on government implementation of previous reviews and recommendations
- helping** government agencies engage better with Aboriginal people, and Aboriginal organisations engage better with government
- assessing** government agencies' evaluation practices, and raising the public profile of evaluation results
- promoting** relevant research and helping set the research agenda
- engaging** with the public sector and general public to promote success stories, examples of good practice and positive partnerships.

RWA suggests that facilitating input from Aboriginal people is common, but using the input to shape what actually happens is rare and is what matters. There is no point in engagement unless the system allows the engagement to shape policy and administration to meet local needs. This focus should be emphasised in the functions of the office.

RWA also suggests that post-facto evaluations are expensive and largely waste time and resources. Evaluation should be built in to service delivery at the earliest stage, along with constant measuring and information sharing, leaning as you go from success and failure.

Business of the new office

RWA recognises the broad range of issues of significance and importance to Aboriginal people and supports an unlimited scope of issues for the office, with which it can perform functions of accountability and advocacy.

Structure and powers of the new office

RWA supports the independent structure and powers proposed for the office in the discussion paper.

Appointment process

RWA suggests that Aboriginal organisations could be involved in a nomination process and/or a panel selection process for the appointment process for the new office. There are many organisations that could also assist in promoting the appointment process to maximise



participation and contributions. This could be conducted through a two-step process, where the groups and/or individuals responsible for the appointment process are first selected through a broader community nomination process, prior to nominations for the office itself.

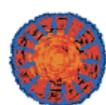
Another option also favoured by RWA is to extend a call for Expressions of Interest (EOI) from Aboriginal people, to appointment within the new office, with explicit support from regional bodies endorsing the EOI.

CONCLUSION

Reconciliation Western Australia (RWA) thanks the WA Government for the opportunity to comment on the potential for *“An office for advocacy and accountability in Aboriginal affairs in Western Australia.”*

We support all efforts to make government work better for Aboriginal people, particularly through greater receptivity of government to advocacy and mechanisms to hold government accountable for improving outcomes for Aboriginal people.

We welcome the establishment of a new office, to the extent that it can deliver practical outcomes, and reflect a genuine commitment of the Government to work differently, and in the interest of Aboriginal people. We believe that work is best done through implementing local approaches, rather than creating centralised commentary on the issues facing Aboriginal people.



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