

Australian Social Policy Conference 2005

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Petrol bowsers for washing kids' faces: a 'new conversation' in Indigenous policy

The title of this paper refers to a Shared Responsibility Agreement negotiated between the remote Aboriginal community of Mulan in Western Australia and the Federal Government, where the government offered to provide funding for petrol bowsers in exchange for the community committing to washing kids' faces daily and other health measures. Revelations of this now infamous Shared Responsibility Agreement came in late 2004 some months after the Federal Government had announced the abolition of ATSIC and the introduction of its 'new mainstreaming' approach to the administration of Indigenous affairs. In the wake of media attention on the Mulan agreement, the government promoted such Agreements as a significant policy strategy – of mainstream government departments working directly with Indigenous communities to negotiate individual agreements, agreeing to provide extra resources and services to Indigenous communities on the condition of commitments to behavioural change. At the National Reconciliation Planning Workshop in May 2005, the Minister for Indigenous Affairs, Amanda Vanstone, stated the new arrangements in Indigenous affairs were 'a new way of doing business and a new conversation, going direct to communities. For many, the first time they've been given the opportunity to express where they want to go and how they see government can play a role in fixing their issues.'¹ This paper reflects on the first 12 months of this 'new conversation' between the Federal Government and Indigenous communities, and provides a critique that suggests that the government's 'new' approach is in reality little more than paternalistic rhetoric with little potential for addressing the systemic disadvantage experienced by many Aboriginal and Torres Strait Islander people.

¹ Quoted in Kim Landers, 'Vanstone snubbed at reconciliation talks', The World Today, ABC Radio, 31 May 2005, <http://www.abc.net.au/worldtoday/content/2005/s1381072.htm>

Background

On 30 March 2004, Opposition leader Mark Latham announced that a Labor Government would abolish ATSIC and ATSIC, stating that 'ATSIC is no longer capable of addressing endemic problems in Indigenous communities' and that it 'has lost the confidence of much of its own constituency and the wider community'.² Mr Latham also stated that under Labor, responsibility for program development and delivery would be transferred to regional bodies with support from a new national Indigenous body.³

On 15 April 2004, Prime Minister John Howard and Minister for Indigenous Affairs Amanda Vanstone announced the Government's intention to abolish ATSIC and introduce new arrangements for the administration of Indigenous affairs from 1 July 2005. John Howard stated:

Our goals in relation to indigenous affairs are to improve the outcomes and opportunities and hopes of indigenous people in areas of health, education and employment. We believe very strongly that the experiment in separate representation, elected representation, for indigenous people has been a failure. We will not replace ATSIC with an alternative body. We will appoint a group of distinguished indigenous people to advise the Government on a purely advisory basis in relation to Aboriginal affairs. Programmes will be mainstreamed, but arrangements will be established to ensure that there is a major policy role for the Minister for Indigenous Affairs.⁴

Howard also stated:

I do believe that (ATSIC) has become too preoccupied with what loosely may be called symbolic issues and too little concerned with delivering real outcomes for Indigenous people.⁵

The wide-ranging changes introduced by the Government have been summarised as including:⁶

- The transfer of Indigenous specific programs formerly managed by ATSIC/ATSIS to mainstream government departments and agencies;
- Improved accountability for mainstream programs and services;
- The establishment of an appointed National Indigenous Council;
- The creation of an Office of Indigenous Policy Co-ordination (OIPC) in the Department of Immigration, Multicultural and Indigenous Affairs to co-

² Quoted in 'Labor would abolish ATSIC: Latham', 30 March 2004, AAP, <http://www.eniar.org/news/alp.html>

³ *ibid.*

⁴ Transcript of the Prime Minister the Hon. John Howard MP, Joint Press Conference with Senator Amanda Vanstone, Parliament House, Canberra, 15 April 2004.

⁵ 'Indigenous leaders condemn ATSIC decision', 15 April 2004, ABC Online, http://www.abc.net.au/message/news/stories/ms_news_1088120.htm

⁶ These points are drawn from summaries in Chapter 3 of the Aboriginal and Torres Strait Islander Social Justice Commissioner's Social Justice Report 2004, pp. 78-80 and in Angela Pratt and Scott Bennett, 'The end of ATSIC and the future administration of Indigenous affairs', *Current Issues Brief* No. 4 2005-05, Parliamentary Library Information and Research Services, p. 12.

- ordinate services and programs, taking over the responsibilities of ATSIS, the former Office of Aboriginal and Torres Strait Islander Affairs, and the Indigenous Communities Coordination Taskforce;
- The creation of regional Indigenous Co-ordination Centres (ICCs);
 - The negotiation of Regional Partnership Agreements and Shared Responsibility Agreements with Indigenous peoples at a regional and community level.

However, beyond the Prime Minister and the Opposition leader tripping over each other to claim credit for abolishing ATSIC as a 'failed social experiment', in the lead up to last year's federal election there was little reference by either of the major parties to more comprehensive policy to address the ongoing disadvantage and discrimination experienced by Indigenous communities. Political debate and media representations focused on hostile exchanges over the culpability of ATSIC and its Board, rather than a more complex analysis of the causes of or appropriate responses to Indigenous disadvantage.

The establishment of ATSIC in 1990 undoubtedly marked a significant change in the administration of Indigenous affairs, with a departmental arm within the same organisation as an elected Indigenous arm responsible for setting policies and priorities.⁷ The John Howard-led Opposition at that time was opposed to the concept of ATSIC, due to an objection to any body which was perceived to give Indigenous people 'separate' status or in his words, 'divide Australian against Australian' by creating a 'black nation within the Australian nation'.⁸ Its dual representative and administrative roles were perceived as its strength at the time it was established, giving Indigenous power over management of and decision-making in Indigenous affairs for the first time.⁹ However, over time this also became a source of tension and criticism of the agency, as it sought to be accountable to both governments and Indigenous people.

ATSIC did not have responsibility for all areas of government funded Indigenous-specific programs and services, and certainly not in the areas of Indigenous health and education - areas identified by John Howard as the government's focus in announcing the abolition of ATSIC. While there are clearly a range of views held by Indigenous and non-Indigenous Australians about ATSIC's effectiveness both as a representative body and as a deliverer of programs and services, there can be no doubt that ATSIC became a convenient scapegoat for government ministers and mainstream government departments in the face of

⁷ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Fifth Report 1997*, Human Rights and Equal Opportunity Commission, 1997, p. 45.

⁸ The Hon. John Howard, 'Ministerial Statement: Administration of Aboriginal Affairs', House of Representatives, *Debates*, 11 April 1989, p. 1328, quoted in Angela Pratt and Scott Bennett, 'The end of ATSIC and the future administration of Indigenous affairs', *Current Issues Brief No. 4* 2005-05, Parliamentary Library Information and Research Services, p. 6.

⁹ Angela Pratt and Scott Bennett, 'The end of ATSIC and the future administration of Indigenous affairs', *Current Issues Brief No. 4* 2005-05, Parliamentary Library Information and Research Services, p. 8.

entrenched Indigenous disadvantage. These new federal government administrative arrangements and structures in the area of Indigenous policy mean for the first time in over 30 years there is no elected national Indigenous body providing advice to government.¹⁰

After the Federal election in October 2004, there was a resurgence of debate in the media about the alarming health, housing, education and employment statistics relating to Aboriginal and Torres Strait Islander peoples, and whose fault or responsibility this was. Debate focused on how best to address the levels of disadvantage experienced by Aboriginal and Torres Strait Islander people - whether services and programs are more effectively delivered through Indigenous organisations, or Indigenous-specific programs in mainstream agencies; whether Indigenous people should be in control of the development, management, implementation and evaluation of policy and programs for Indigenous communities; and whether this new shift to mainstreaming is actually a return to the assimilationist government approaches of the past.

The focus of debate was primarily on the notion of 'mutual obligation', triggered by dialogue between certain Indigenous leaders and the Prime Minister. Pat Dodson and Noel Pearson were quoting as saying respectively that the notion of mutual obligation had a lot of resonance within Aboriginal culture and society,¹¹ and that 'you don't need to tell a parent who works that they need to wash their kid's face or feed their stomach'.¹² However other Indigenous people were of a different view. Professor Larissa Behrendt stressed the importance of analysing the seductive rhetoric of government spin, and cautioned how easily the likening of the term 'mutual obligation' to notions of Aboriginal reciprocity could be taken out of context to support the Government's agenda.¹³ In the wake of this debate, the Opposition released a draft 'Shared Responsibility Agreement' under negotiation between the Mulan Aboriginal community and the Federal and Western Australian Governments.

Shared Responsibility Agreements

The draft Mulan Agreement stated that in return for the community committing to certain hygiene measures to address health problems, the government would contribute \$172,000 for petrol bowsers in the community. As part of the agreement, the WA Government would undertake to monitor and review the adequacy of health services in the area, where trachoma rates have been described as the worst in the world. The draft Agreement set out a series of

¹⁰ Angela Pratt and Scott Bennett, 'The end of ATSIIC and the future administration of Indigenous affairs', *Current Issues Brief* No. 4 2005-05, Parliamentary Library Information and Research Services, p. 6.

¹¹ Quoted in Paul Kelly, 'Black leaders offer new accord', *The Australian*, 4 December 2004, http://www.theaustralian.news.com.au/common/story_page/0,5744,11582580%255E601,00.html

¹² *ibid.*

¹³ Larissa Behrendt, 'Nothing mutual about denying Aborigines a voice', *The Sydney Morning Herald*, 8 December 2004, <http://www.smh.com.au/news/Opinion/Nothing-mutual-about-denying-Aborigines-a-voice/2004/12/07/1102182295283.html>

responsibilities for the Mulan community, including starting and keeping up a program to make sure kids shower every day and wash their face every day; ensuring that rubbish bins are emptied twice a week; ensuring that the rubbish tip is properly managed; and monitoring and reporting on the extent to which the community, family and individual commitments set out in this agreement.

The rationale for the draft Agreement was stated as:

1. Installation of fuel bowsers will strengthen the Mulan community economy through fuel sales and associated tourism income streams and enhance economic development opportunities.
2. Implementation of strategies to reduce the incidence of trachoma, secondary skin infections and worm infestations will result in improved community health and a reduction in health costs and medical evacuation costs attributable to the Mulan community.

Mulan's Aboriginal Corporation administrator, Mark Sewell, was quoted in the media as saying that the community itself came up with the idea, and approached the government:

There was two separate things. We wanted to improve kids' health and wanted to get fuel sales here as well. And we just felt that, you know, perhaps to show Government that we really mean business, we sort of put it down as an agreement where we'd work on the kids' health if the Government could help us with the fuel bowsers.¹⁴

The Federal Aboriginal Affairs Minister, Amanda Vanstone, stated that it was:

an example of how we want to work in all the communities, sitting down with them, talking about what they want, talking about what they can do in exchange, working with the State Governments, working out a partnership agreement about where we can go from here.¹⁵

If this agreement goes ahead, and it works, what could anyone complain about? A community gets what it wants – a petrol bowser – that gives them a chance for a bit of economic development, people might stop and get petrol, they can put a store there and don't have to drive themselves 70 kilometres away to get petrol and then back again. And the kids get better health outcomes. Who could complain about that?¹⁶

Labor's indigenous affairs spokesperson, Kim Carr, referred to the agreement as patronising and coercive.¹⁷ Democrats Senator Aden Ridgeway said that dealing solely with behavioural issues does nothing to counter high unemployment or poverty: 'In this system the Government gives with one hand and slaps with the

¹⁴ Quoted on 'Mulan deal a return to native welfare days: Dodson', ABC Radio PM, 9 December 2004, <http://www.abc.net.au/pm/content/2004/s1261745.htm>

¹⁵ *ibid.*

¹⁶ 'Government makes 'shared responsibility' deal with WA Indigenous community', *The World Today*, ABC Radio, 9 December 2004, <http://www.abc.net.au/worldtoday/content/2004/s1261373.htm>

¹⁷ *ibid.*

other... [it has the] potential to turn into blackmail with the Government withholding essential resources until communities fall into line'.¹⁸

Former Aboriginal and Torres Strait Islander Social Justice Commissioner Mick Dodson was reported as saying the Mulan agreement was not fair or mutual:

What are the obligations from government, what are they doing? All the obligation seems to be on the community. There's nothing really mutual about this -- I wonder if it is a free informed choice by the people... My fundamental objection to this approach is it's racially discriminatory.¹⁹

The only Aboriginal member of Western Australia's Parliament, the Member for the Kimberley, Carol Martin, attacked the plan, saying that she was 'offended that people need to sit up and beg'.²⁰ She said that 'the problems have been there for many years, but they've always been about not having enough funds, not having the right infrastructure, not having the right services, not having employment'.²¹

Following their initial support of working with the Commonwealth Government with a shared commitment to 'mutual obligation', Indigenous leaders Pat Dodson and Noel Pearson spoke out with renewed caution after the revelations of the Mulan agreement. They wrote:

Government and indigenous communities who no longer wish to sit on their hands while blindness is caused by trachoma, kidney failure is caused by scabies and deafness is caused by unresolved ear infections, should be supported. But they also need to think carefully about how they institute mutual obligation through 'shared responsibility agreements'. ...

One of the unanswered problems with the Mulan agreement is: what is the logical connection between the obligations that the government wants the community to commit to, and the incentives that it is offering in return? It is hard to see the natural connection between children's hygiene and the more convenient provision of petrol.

The Federal Government must restrain its bureaucrats from playing at social engineering, otherwise the important principle of mutual obligation will be discredited - and that would be a tragedy.²²

The agreement was reported in the media on the day of the first meeting of the National Indigenous Council. Speaking at the end of the first meeting,

¹⁸ Mark Coultan and Mark Metherell, 'A new deal for indigenous Australia', *The Sydney Morning Herald*, December 11 2004. <http://www.smh.com.au/news/National/A-new-deal-for-indigenous-Australia/2004/12/10/1102625532962.html>

¹⁹ Quoted in Patricia Karvelas and Amanda Banks, 'We are just saving our kids', *The Australian*, 10 December 2004, http://theaustralian.news.com.au/common/story_page/0,5744,11645024%255E601,00.html

²⁰ Quoted on 'MP says Mulan needs services, not 'shared responsibility'', *The World Today*, ABC Radio, 9 December 2004, <http://www.abc.net.au/worldtoday/content/2004/s1261467.htm>

²¹ *ibid.*

²² Pat Dodson and Noel Pearson, 'The dangers of mutual obligation', *The Age*, 15 December 2004, <http://www.theage.com.au/articles/2004/12/14/1102787075763.html>

chairwoman Sue Gordon said such deals were good if local communities were supportive of them:

I don't view anything which is going to benefit Aboriginal people -- which Aboriginal people themselves put up -- as being paternalistic, because it's not being imposed (on) Aboriginal people. ... Rather, it's Aboriginal people saying this is what they want to do as a shared responsibility.²³

The Prime Minister, when questioned on this issue, did not provide detail regarding how such agreements would be enforced. He was quoted as suggesting a 'commonsense reaction' had to apply if there were breaches, and that it would be 'foolish' to specify the detail of that in advance.²⁴

Obviously we can't have a situation where you enter into a deal and it becomes known that, whether the deal is honoured or not, the benefits will still flow. But equally, every circumstance is a little different. It's just not possible to say in black and white, well, if this deal is not honoured, sometime in the future we're going to do this or that.²⁵

The Prime Minister stated that he was certain that 'there is a new attitude' towards Aboriginal issues, including an endorsement of the concept of mutual obligation.²⁶ He stated that he believed the agreement would 'resonate throughout the Australian community as a very commonsense way to go, and Health Minister Tony Abbott predicted 'dozens and, ultimately, hundreds and thousands of agreements like this' would be signed.²⁷

In April this year, Brendan Nelson, Minister for Education, Science and Training, who has signed a number of SRAs with Aboriginal communities, stated in reference to Mulan that:

Six months after the government enduring accusations of paternalism, the results are mind blowing. Trachoma which afflicted 70% of children is now undetectable. Fred Hollows would be impressed.²⁸

Critique of Mulan SRA

While there was substantial national media coverage of the Mulan agreement, what was rarely reported was that Mulan Aboriginal Corporation administrator Mark Sewell said that earlier requests for funding from the government for a new petrol bowser had come to nothing, and that he approached the government

²³ Quoted in Patricia Karvelas and Amanda Banks, 'We are just saving our kids', *The Australian*, 10 December 2004,

http://theaustralian.news.com.au/common/story_page/0,5744,11645024%255E601,00.html

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ Meaghan Shaw, 'Hygiene pact stymies race accord', *The Age*, 10 December 2004, <http://www.theage.com.au/news/National/Hopes-for-race-accord-dashed/2004/12/09/1102182431225.html#>

²⁸ Brendan Nelson, 'Agreements proving effective', *North Shore Times*, 13 April 2005, <http://www.brendannelson.com.au/news/default.asp?action=article&ID=325>

about entering into a Shared Responsibility Agreement after receiving advice from a senior bureaucrat in the Federal Government that it might lead to such funding.²⁹ He was also quoted by *The Age* as stating that the community were 'doing a lot of these things already. We just wanted to lift our game.'³⁰

An article in *The Australian* on 10 December confirms that eighteen months before the Mulan Aboriginal Corporation entered into negotiations with the Federal Government, the school in Mulan had introduced a twice-daily face-washing program. Before that time, four out of five Mulan children aged 10 to 16 were infected with trachoma, which is the most common cause of preventable blindness in the world. When health workers screened the Mulan children in December 2004 they found the incidence of trachoma had dropped to a seven-year low of 16 per cent.³¹ 'We explain to the kids why they need to do it and they understand – it's become a habit', school principal Rachel Smith said.³² However, as quoted above, in *The Australian* editorial that day, the pre-program rates of trachoma were referred to as a rationale for community initiation of the agreement.

This face-washing program was introduced well before the Shared Responsibility Agreement with the Government. As Mark Sewell stated, 'It was nothing to do with government for the first several months – it was just community people talking about things that were not happening and changes they wanted to make'.³³ A written action plan emerged as a means to encourage people to use community infrastructure and health resources and to take responsibility for personal hygiene.³⁴

Mr Sewell said that he approached Wayne Gibbons, then employed in ATSISS and now in the Federal Office of Indigenous Policy Coordination, who suggested the community propose an incentive to advance the action plan, in line with Government policy regarding 'mutual obligation'.³⁵ Mr Sewell then said replacing the community's corroded fuel bowsers was an ideal incentive. This would remove the need for the 90km round trip to the closest bowsers at the community of Balgo, and make it easier for people to drive to a nearby lake where children could swim and elders hunt.³⁶

²⁹ Steve Pennells, 'Rules unfair, say proud Mulan people', *The Age*, 10 December 2004, <http://www.theage.com.au/news/National/Rules-unfair-say-proud-Mulan-people/2004/12/09/1102182430767.html>

³⁰ *ibid.*

³¹ Amanda Banks and Paige Taylor, 'Routine routs eye disease', *The Australian*, 10 December 2004.

³² *ibid.*

³³ Quoted in Amanda Banks and Paige Taylor, 'Routine routs eye disease', *The Australian*, 10 December 2004.

³⁴ *ibid.*

³⁵ *ibid.*

³⁶ *ibid.*

Appearing before the Senate Select Committee on the Administration of Indigenous Affairs, Wayne Gibbons stated:

I've several times explained the approach is a bottom-up construction of an investment strategy, community by community, around a concept of shared responsibility that embraces mutual obligation. That is the Government's policy and that is what we are implementing.³⁷

The Mulan agreement has been described as the 'first example of Howard's push to work on improving living standards of Aborigines, and pushing the debate away from treaties, reconciliation and land rights'.³⁸ However, the Mulan agreement is not the first Shared Responsibility Agreement. There have been a number of agreements negotiated as part of a series of Council of Australian Governments trials.

In 2002, the Council of Australian Governments agreed to trial a whole-of-government cooperative approach in up to ten communities or regions across Australia, aiming to:

improve the way governments interact with each other and with communities to deliver more effective responses to the needs of indigenous Australians. The lessons learnt from these cooperative approaches will be able to be applied more broadly. This approach will be flexible in order to reflect the needs of specific communities, build on existing work and improve the compatibility of different State, Territory and Commonwealth approaches to achieve better outcomes.³⁹

Governments agreed that outcomes for Indigenous communities needed improvement and that the way to do that is twofold:

- governments must work together better at all levels and across all departments and agencies; and
- Indigenous communities and governments must work in partnership and share responsibility for achieving outcomes and for building the capacity of people in communities to manage their own affairs.⁴⁰

As part of the COAG trials, a number of Shared Responsibility Agreements were signed, including in Murdi Paaki in NSW with the then Murdi Paaki ATSIC Regional Council.⁴¹ The Western Australian COAG trial site is situated in the east Kimberley region and encompasses various communities, including Mulan.⁴²

³⁷ Quoted in Kim Landers, 'Senate scrutinises Govt's mutual obligation deals with Indigenous communities', ABC Radio PM, 4 February 2005, <http://www.abc.net.au/pm/content/2005/s1296393.htm>

³⁸ Mark Coultan and Mark Metherell, 'A new deal for indigenous Australia', *The Sydney Morning Herald*, December 11 2004.

³⁹ Council of Australian Governments, *Communiqué*, 5 April 2002, 12 December 2003.

⁴⁰ *ibid.*

⁴¹ <http://www.dest.gov.au/minimas/live/nelson/2004/12/n1026141204.asp>

⁴² http://www.icc.gov.au/communities/locations/wa_coag_site

Mutual obligation and shared responsibility

The terms 'mutual obligation' and 'shared responsibility' were often used interchangeably in the debate about the Mulan agreement. The notion of 'mutual obligation' is not new in Federal Government policy under John Howard as Prime Minister. It has been a constant refrain and underlying philosophy for changes to the welfare system, including in relation to people receiving unemployment, disability or single parent benefits. The government's 'mutual obligation' approach to welfare policy implies a shift from a rights-based system with entitlements based on government support, to a system where payments are conditional on an individualised contractual arrangement where the recipient must fulfil certain obligations. In practice, it has been characterised by a punitive approach to those who breach conditions set by government.

In February this year, Dr Peter Shergold, Secretary of the Department of Prime Minister and Cabinet, gave evidence before the Senate-appointed Select Committee for the Administration of Indigenous Affairs about the relationship between the notions of mutual obligation and shared responsibility. When questioned by Kim Carr, then Shadow Minister for Indigenous affairs, he stated that:

Dr Shergold—They are similar concepts. Each of them accepts that governments at different levels and communities take on certain responsibility and that, to some extent, the provision of public funds to citizens depends upon mutual obligation. That can be the case, of course, with programs like Newstart. All Australians know that, when they are in receipt of Newstart payments, there are certain obligations they have to take up in looking for a job. At certain stages there is an obligation to join a Work for the Dole program. Shared responsibility I see as rather different because, although it embraces the notion of mutual obligation, shared responsibility in Indigenous affairs means it is an agreement negotiated between government and community for the purpose of provision of discretionary benefits. ...

Senator CARR—reciprocity between government and individuals and their communities or families can encompass a range of incentives, including both carrots and sticks. Is that a fair representation of the government's position?

Dr Shergold—It is almost a fair representation.

Senator CARR—It would want to be, because I am quoting directly from your document.

Dr Shergold—Yes. The carrot would be a discretionary benefit. The stick would be a requirement to meet those obligations, with further benefits flowing on that basis. ... The carrots are additional discretionary benefits that the community wants. The stick, if you want to call it a stick, is that there will be an expectation that the additional benefits provided will be maintained and will be used for the purposes for which the community sought them.⁴³

⁴³ Dr Peter Shergold, 8 February 2005,
<http://www.aph.gov.au/hansard/senate/commttee/S8106.pdf>

SRA Progress

Shared Responsibility Agreements have been promoted as a key policy strategy of the Federal Government, and are lead by different Federal Government departments or agencies. The relevant State and Territory Government agencies are often also parties to the agreement. Governments commit to providing resources for infrastructure and services in exchange for behavioural change and other commitments by Indigenous communities. The government states that SRAs are underpinned by the notion of partnerships between communities and governments to address Indigenous disadvantage, and are promoted as reflecting community priorities and solutions. The Federal Government is funding SRAs through resources previously administered by ATSIC, and states that such funding is 'discretionary'.⁴⁴

On 27 May 2005, to mark the start of Reconciliation Week, Minister Vanstone Released publicly details of the 'first' Shared Responsibility Agreements - 52 SRAs involving 43 Indigenous communities around the country.⁴⁵ Minister Vanstone stated that the Government had had a target of 50 agreements by the end of the financial year, and with a month to go had already exceeded that 'because communities have been quick to embrace the change'.⁴⁶ The Minister stated that the agreements contained a financial commitment of \$9.5 million by the Federal Government, including initiatives addressing nutrition, community safety, business support, skills development and a range of other community needs. In return, communities were described as making commitments such as improving school attendance, controlling substance misuse and being involved in youth recreation activities.⁴⁷

A few days later at the National Reconciliation Planning Workshop, Minister Vanstone addressed an audience of senior Indigenous leaders and other Indigenous and non-Indigenous Australians with extensive experience in Indigenous affairs. She stated:

We are at a point in history when Australia is embarking on a 'new conversation' in Indigenous Affairs.

It is a conversation based on an almost universal belief that the approach of the past 30 or more years has not delivered the results that we would have hoped for. ...

There has been a shift from the theoretical and ideological to the real and the practical.

And this new conversation must be more than just words – it cannot be an end in itself. It must make a real contribution to better outcomes – that is the objective.

Aboriginal and Torres Strait Islander people, their families and communities must be at the centre of the new conversation. They must be given a voice. The conversation must

⁴⁴ <http://www.indigenous.gov.au/sra.html>

⁴⁵ <http://www.atsia.gov.au/media/media05/v0514.htm>

⁴⁶ *ibid.*

⁴⁷ *ibid.*

be with them, not about them.

And, having been asked to contemplate their future, we must listen and follow through with actions and outcomes.

For many this will be the first time they have been asked to say what they in the community want for their future. The first time to tell us what they think will work. And the first time that they have had a hand in shaping their own immediate and longer term future. ...

...In my view, it is paternalistic in the extreme to suggest that local Aboriginal and Torres Strait Islander people are not able to present their views to governments directly. It suggests that they have no capacity to make that contribution.

Our shared responsibility approach is based on local people identifying the problem and defining their own solutions. This is a simple but profound notion which is being embraced by communities as they enthusiastically negotiate Shared Responsibility Agreements with the Government.

Our first 52 agreements are the beginning of a new way of doing business in Australia.⁴⁸

There are a number of issues raised by this characterisation of the government's policy approach being a 'new conversation'.

'This new conversation must be more than just words'

It is significant that the government refers to its 'new mainstreaming' arrangements in Indigenous affairs as a 'new conversation' that must be more than just words and not an end in itself. The language used by the Prime Minister and Minister for Indigenous Affairs is taken directly from the COAG trials and more innovative policy frameworks. For example, concepts such as 'whole of government', 'collaboration', 'community-based', 'bottom up', 'regionally focused', 'shared responsibility', 'flexible and innovative', 'genuine partnerships with Indigenous communities' have been bandied about. Yet the ideology underpinning the policy changes and evidence of their implementation to date are more resonant of past policies of assimilation than a future of genuine Indigenous empowerment and control. The use of such phrases to describe what are in many cases regressive and ill-conceived policy strategies appears to be empty rhetoric rather than meaningful dialogue.

In speaking to the *ATSIC Amendment Bill 2005*, Aden Ridgeway stated:

It is hard to explain just how saddening it is to sit and listen to senior public servant after senior public servant - those now in charge of running Indigenous affairs - repeating the same old, well-worn government catchphrases... The linchpin of this so-called revolution in Indigenous affairs - the SRAs - is the biggest disaster of them all. They are completely ad hoc, there are no benchmarks, there are no targets. How will these agreements - which are

⁴⁸ http://www.atsia.gov.au/media/speeches/31_05_2005_reconciliation.htm

different every time you talk about them - result in improvements to the lives of Indigenous people across the country?⁴⁹

The individualised, ad hoc and seemingly rushed negotiation of many SRAs in response to government-determined policy statements and deadlines mean that they are not connected to broader planning processes, or based on research and data collection that may identify the key areas of need and best strategies for targeting government funding. While government rhetoric asserts that SRAs are new in the way that are community-initiated, collaborative and flexible, there is no clear process set out in the event that any party to the agreement do not live up to their commitments, nor an indication of how change effected by such SRAs will be achieved or measured.

One example of an SRA that raises particular issues in light of Aden Ridgeway's observations is one of a number negotiated between the Murdi Paaki Regional Council and the Commonwealth Department of Education, Science and Training and the NSW Department of Education and Training. This particular agreement incorporates a number of community working parties in the Murdi Paaki region, which was a COAG Trial site. It is described on the government website as designed to improve living conditions, health and education over a large area in NSW.⁵⁰

Under the SRA, the Federal Government will fund the installation of airconditioning units in up to 200 community owned houses in the region and arrange CDEP participants to assist in their fabrication, installation and maintenance. The NSW Government will administer the funds and give technical support. Installation of the units will be dependant on some communities in the region developing their own SRA for the project, with specific local responsibilities. The government states that these local SRAs might focus on school attendance, encouraging children and young people to participate in sporting events, community clean ups and family violence workshops.⁵¹ As part of the SRA, the Murdi Paaki Regional Housing Corporation have agreed to employ a coordinator to oversee the program, and create tenancy agreements in communities where they do not exist, and renegotiate rents to cover maintenance costs.⁵² The agreement sets out the longer term outcomes of the SRA as being:

- Improved living conditions
- Increase in school attendance by children
- Decrease in the incidence of family violence

It seems extraordinarily disproportionate and unrealistic that such systemic problems are linked to the provision of 200 air conditioners. There is no clear

⁴⁹ Senator Aden Ridgeway, 10 March 2005, http://www.democrats.org.au/speeches/?speech_id=1561&display=1

⁵⁰ http://www.indigenous.gov.au/sra/nsw/fact_sheets/nsw06.html

⁵¹ *ibid.*

⁵² *ibid.*

indication in the Agreement or on the government's website of how such outcomes are to be measured, or the ramifications if Aboriginal people in the Murdi Paaki region – those having air conditioners installed in their homes as well as others – are perceived to not be living up to their commitments. Blaming Indigenous communities themselves for the problems in their communities - whatever the impact of past or current government policies or experience of systemic disadvantage or discrimination– is not new. It is an all too familiar and one-sided 'conversation'.

'The almost universal belief that the past 30 years of Indigenous policy have failed'

There has been significant debate by Indigenous and non-Indigenous people in the media and the broader Australian community about whether ATSIC and indeed all Indigenous policy approaches of the past thirty years have failed to adequately address Indigenous disadvantage. The subtext of this debate is that the policy of self-determination has failed, with the implication that Indigenous people cannot be trusted to manage their own affairs. This is despite the fact that many Indigenous people are of the view that government policy did not reflect their own aspirations for self-determination, nor necessarily that of international human rights standards.

This debate and the government's policy approach also focuses on disadvantage as the only measure of Indigenous peoples' experiences and opportunities. It does not acknowledge the distinct rights or cultures of Aboriginal and Torres Strait Islander peoples, or celebrate their strength and diversity. If the aim of government policy is only about Indigenous people having the same life chances and opportunities as non-Indigenous people, then it is also about eroding the collective rights of Indigenous people to land, culture and self-determination.

Jon Altman of CAEPR has described how a 'discourse of crisis' has led to this major change in policy direction.⁵³ It has certainly been used as a justification for it. Yet drawing on a long-term statistical analysis, Altman states that in reality, there has been slow improvement over time at the national level looking at available statistics on health, education, income, housing and employment, counter to popular views.⁵⁴ Whether this has occurred quickly enough and whether improvement has been equitable between Indigenous people remain issues for debate (and of course, everyday reality for Indigenous people), however Altman suggests that broad policy settings have been generally favourable for addressing Indigenous disadvantage.⁵⁵

Whether ATSIC as a representative body failed its constituencies is a matter for Aboriginal and Torres Strait Islander people. The government's lack of

⁵³ Jon Altman, 'Indigenous Social Policy and the New Mainstreaming', CAEPR Seminar Series, 13 October 2004, p. 9.

⁵⁴ Ibid., p. 2.

⁵⁵ Ibid.

consultation with Indigenous communities before announcing the abolition of their national representative body, including ignoring the findings of its own review of ATSIC and the evidence gathered as part of that review, shows an extraordinary lack of respect and consideration for the views of Indigenous people about the government policy and programs that directly affect them. Allegations of impropriety and corruption against some elected leaders of ATSIC and implications of mismanagement of resources, became convenient scapegoats for the inadequacies of all levels of governments in Indigenous affairs.⁵⁶ In the lead up to the 2004 election, it was the Labor Party, responsible for establishing ATSIC, who announced that its main Indigenous policy position if elected would be to abolish ATSIC.

The abrogation of responsibility for adequate funding and appropriate policy by all levels of government in the area of Indigenous affairs is the central issue in this debate. Abolishing ATSIC and introducing a whole new policy framework with little consideration for evaluation or learning from what has worked and what has not in the past in Indigenous affairs does not indicate a genuine commitment to improving the day to day lives of Aboriginal and Torres Strait Islander people.

‘This will be the first time they have been asked to say what they in the community want for their future’

The Minister claims that communities have for the first time been given the opportunity to identify the issues that are a priority for them, and to propose solutions that will be listened to. However, the government’s framework for negotiating SRAs seems to be more about implementing government ideology in a rushed and ad hoc way than genuinely working with Indigenous communities to achieve their desired outcomes and aspirations. This framework is being implemented in the wake of the government’s removal of ATSIC regional Indigenous representatives elected by their communities – many of whom worked tirelessly and extensively to advocate for their communities’ needs and interests. There are complex issues raised by governments saying they are signing SRAs with ‘communities’ without clear representative structures or processes.

As demonstrated by the Mulan example, SRAs may provide some Indigenous communities with the opportunity to negotiate for funding that they may not have been able to access under previous government arrangements. SRAs may genuinely have the support of communities who sign up to them. However, that does not necessarily make them fair or equitable. There remains an enormous power differential between governments and communities. Notions of ‘choice’ facing communities entering into such agreements become problematic when

⁵⁶ See for example, Geoff Clark, ‘ATSIC is not a Native Title for Scapegoat’, *Courier Mail*, 28 March 2003, p. 19; Sophie Morris, ‘ATSIC ‘made a scapegoat’’, *The Australian*, 7 April 2004, p. 3, quoted in Angela Pratt and Scott Bennett, ‘The end of ATSIC and the future administration of Indigenous affairs’, *Current Issues Brief* No. 4 2005-05, Parliamentary Library Information and Research Services, p. 10.

Indigenous people can not otherwise access desperately needed government funding for services or infrastructure.

While the funding allocated for SRAs is described as 'discretionary', many of the contributions that are to be provided by governments under such agreements are for infrastructure and services that other Australians would consider basic entitlements. Accountability and responsibility by government for provision of basic services and infrastructure becomes conditional for one section of the Australian community based on race. The government's approach to negotiating SRAs means that those communities with greatest capacity to negotiate will have the greatest opportunity to access the 'discretionary' funding set aside, and not necessarily those most in need. Some community representatives and administrators are particularly resourceful and experienced at negotiating with governments, and may be able to engage in the process to their communities' benefit without committing to unrealistic outcomes. However, communities should not be required to commit to behavioural change in order to access funding for infrastructure or services that other Australians take for granted. The SRA framework also prioritises discrete remote communities over urban communities. Indigenous communities should not have to compete with each other to access a small pool of government funding.

'It is paternalistic in the extreme to suggest that local Aboriginal and Torres Strait Islander people are not able to present their views to governments directly'

In Minister Vanstone's characterisation, those that criticise the government's new approach as resonant of past paternalistic policies become the target of such criticism themselves. In the same way that the language of innovative policy approaches is appropriated to veil strategies that are simplistic, discriminatory and coercive, the government uses such accusations to divert criticism of its abolition of Indigenous representative structures and imposition of new policy arrangements. Although describing its critics as paternalistic, it is the government who made such changes without consultation with Indigenous communities, or with consideration of a series of government inquiries and reports that have made recommendations to the contrary.⁵⁷

The Mulan SRA was described by the community administrator as community initiated and by the government as a model of the way it wanted to work with all communities. As such a model, Mulan also highlights the complex challenges regarding community consultation, governance and leadership that the SRA framework presents. In articles published in *The Age* entitled 'Hopes for race

⁵⁷ For example, see the Commonwealth Grants Commission, *Report of Indigenous Funding: Main Findings*, 2001; and *In the Hands of the Regions: A New ATSIC*, Report of the Review of the Aboriginal and Torres Strait Islander Commission, November 2003.

accord dashed' and 'Rules unfair, say proud Mulan people',⁵⁸ a journalist who visited Mulan quoted elders in the community who were not supportive of the agreement, saying they felt it was unfair. They said: 'We are a proud people, everyone is well looked after. ... Look around, this is a clean place, a proud place.'⁵⁹

The same journalist attended a community gathering while in Mulan, and wrote in an article in *The West Australian* that: 'Several of the community's elders clearly had no idea about the terms of the deal'. He also stated that some people in the community are scared to speak against the agreement:

Several of the women who were at the gathering on Thursday night were too afraid to talk yesterday. Two of the elders said they feared the Government would take away the Walmajurru land – where Mulan now sits – if they spoke out.

That view spread quickly through the community, where many are illiterate, have no access to the media and have little understanding of political processes.⁶⁰

It is not paternalistic to highlight the disparity of power and choice between governments and Indigenous communities.

Conclusion

The ideology underpinning the government's recent policy changes and evidence of their implementation to date have greater resonance with past government policies of assimilation than a 'new conversation' bringing real and practical outcomes as a result of working in partnership with Indigenous communities. The wide ranging changes to the administration of Indigenous affairs have been introduced with little evaluation of what has genuinely worked in the past in Indigenous policy, using measures that are relevant to Indigenous communities as well as governments. The views of Indigenous leaders and others with experience in the administration of Indigenous affairs have not been considered – indeed, many have been attacked as unrepresentative or as not sufficiently connected to the 'real issues' facing Indigenous communities if they disagree with the government's policy direction. The outstanding issue of underspending in key areas of Indigenous health, education and housing remains. The government rhetoric simply does not seem to be matched by reality in its 'new conversation' in Indigenous affairs.

⁵⁸ Steve Pennells, 'Rules unfair, say proud Mulan people', *The Age*, 10 December 2004. <http://www.theage.com.au/news/National/Rules-unfair-say-proud-Mulan-people/2004/12/09/1102182430767.html>

⁵⁹ May Stundi, quoted in Steve Pennells, 'Rules unfair, say proud Mulan people', *The Age*, 10 December 2004, <http://www.theage.com.au/news/National/Rules-unfair-say-proud-Mulan-people/2004/12/09/1102182430767.html>

⁶⁰ Steve Pennells, *The West Australian*, 11 December 2004.