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## **Shared Responsibility Agreements: progress to date<sup>1</sup>**

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Shared Responsibility Agreements (SRAs) are a key policy strategy of the Australian Government's 'new mainstreaming' arrangements in Indigenous policy. In signing up to SRAs, governments commit to contributing funding for infrastructure and services in exchange for commitments to behavioural change and other actions by Indigenous communities. The government states that SRAs are underpinned by the notion of 'mutual obligation' between communities and governments to address Indigenous disadvantage, and reflect community priorities and solutions.<sup>2</sup> Funding allocated by the Australian Government under SRAs is described as 'discretionary' Indigenous-specific funding, using existing resources that include those previously administered by ATSIC. The government states SRAs will not affect Indigenous people's access to 'benefits or services available to all Australians'.<sup>3</sup> The negotiation of SRAs with Indigenous communities is lead by different Federal Government departments and co-ordinated through the regional Indigenous Co-ordination Centres that replaced the ATSIC regional offices. Relevant State and Territory Government agencies have also become parties to SRAs.

The SRA framework and its implementation to date raises serious questions of conditionality being placed on Indigenous people's citizenship entitlements, and of consistency, transparency and accountability in the provision of infrastructure and services to Indigenous communities. Evidence that is publicly available suggests that the government is more concerned with furthering its 'mutual obligation' policy agenda than genuinely addressing Indigenous disadvantage.

### **Mulan SRA**

In December 2004, a draft SRA between the remote Aboriginal community of Mulan, Western Australia, and the Federal and Western Australian Governments was released by the Opposition. The draft SRA stated that in return for the community committing to certain hygiene measures such as washing kids' faces and emptying rubbish bins, the Federal Government would contribute funds for petrol bowsers in the community. As part of the agreement, the WA Government undertook 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 SRA, described by the Government as 'an example

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<sup>1</sup> This paper is taken from a larger Briefing Paper for the Ngiya Institute of Indigenous Law, Policy and Practice entitled 'The 'New Mainstreaming' of Indigenous Affairs', December 2005, <http://www.jumbunna.uts.edu.au/>.

<sup>2</sup> <http://www.indigenous.gov.au/sra.html>

<sup>3</sup> [http://www.indigenous.gov.au/sra\\_info.html](http://www.indigenous.gov.au/sra_info.html)

of how we want to work in all the communities',<sup>4</sup> provoked extensive debate amongst Indigenous and non-Indigenous leaders and commentators.<sup>5</sup> While various Indigenous leaders criticised the Mulan SRA as a form of blackmail,<sup>6</sup> as racially discriminatory,<sup>7</sup> and as making an illogical connection between children's hygiene and the more convenient provision of petrol,<sup>8</sup> Minister Vanstone responded: 'A community gets what it wants – a petrol bowser ... [a]nd the kids get better health outcomes. Who could complain about that?'<sup>9</sup> The Mulan agreement was described by non-Indigenous commentators 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'.<sup>10</sup> The Prime Minister stated:

it is not just a question of money, because a lot more money has been put into Aboriginal health. It is a question of culture. It is a question of practice. It is a question of attitude. It is a question of community responsibility.<sup>11</sup>

The administrator of Mulan's Aboriginal Corporation was quoted extensively in media reports as saying that the community itself came up with the idea, and approached the government.<sup>12</sup> However, there were other factors in this deal that were less reported. The administrator also said that earlier requests for funding for a petrol bowser had come to nothing,<sup>13</sup> until he received advice from a senior Indigenous affairs bureaucrat that entering into an SRA committing to particular measures might lead to such funding being more forthcoming.<sup>14</sup>

Eighteen months before the SRA negotiations, the school in Mulan had introduced a twice-daily face-washing program, which had led to the incidence of trachoma already dropping to a seven-year low of 16 per cent as a result of the community-

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<sup>4</sup> 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>

<sup>5</sup> For in-depth analysis of the Mulan agreement, see Ngiya Briefing Paper 1, 'Shared Responsibility Agreements', [http://www.jumbunna.uts.edu.au/research/shared\\_responsibility.pdf](http://www.jumbunna.uts.edu.au/research/shared_responsibility.pdf) and Ruth McCausland, 'Petrol bowsers for washing kids faces': a 'new conversation' in Indigenous policy', *Australian Social Policy Conference*, 21 July 2005, [http://www.jumbunna.uts.edu.au/research/pdf/social\\_policy\\_conf\\_21\\_07\\_05.pdf](http://www.jumbunna.uts.edu.au/research/pdf/social_policy_conf_21_07_05.pdf)

<sup>6</sup> Aden Ridgeway quoted in Mark Coultan and Mark Metherell, 'A New Deal for Indigenous Australia', *The Sydney Morning Herald*, 11 December 2004, p. 25.

<sup>7</sup> Mick Dodson quoted in Patricia Karvelas and Amanda Banks, 'We are just saving our kids', *The Australian*, 10 December 2004, p. 1.

<sup>8</sup> Pat Dodson and Noel Pearson, 'The Dangers of Mutual Obligation', *The Age*, 15 December 2004, p. 17.

<sup>9</sup> Ibid.

<sup>10</sup> Mark Coultan and Mark Metherell, 'A new deal for indigenous Australia', *The Sydney Morning Herald*, December 11 2004.

<sup>11</sup> 'Howard 'unhappy' with Aboriginal health', *The Age*, December 10 2004, <http://www.theage.com.au/news/National/Howard-unhappy-with-Aboriginal-health/2004/12/10/1102625508797.html>

<sup>12</sup> 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>

<sup>13</sup> 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>

<sup>14</sup> Amanda Banks and Paige Taylor, 'Routine routs eye disease', *The Australian*, 10 December 2004, [http://www.theaustralian.news.com.au/common/story\\_page/0,5744,11645030%255E2702,00.html](http://www.theaustralian.news.com.au/common/story_page/0,5744,11645030%255E2702,00.html)

initiated measures.<sup>15</sup> However, the pre-program rates of trachoma were quoted by politicians and in the media as justification for the SRA. 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.<sup>16</sup>

In early November, OIPC officials told the Senate Legal and Constitutional Committee that although the Mulan community had been holding up its commitments in the SRA, the petrol bowsers were yet to be installed.<sup>17</sup>

This and other such examples raise significant questions about whether the Federal Government's policy approach, endorsed by state and territory governments who are often also a party to such SRAs, is genuinely about improving the health and welfare of Indigenous people through community-driven negotiations that respond to local priorities, or about imposing a top-down framework to prove an ideological point.

### **SRA progress to date**

Up until late May 2005, over 12 months after the announcement of the new Indigenous policy arrangements, very little information about the progress of SRAs was available publicly. Minister Vanstone refused to name communities involved in SRA negotiations, or release details of any SRAs.<sup>18</sup>

On 27 May 2005, to mark the start of Reconciliation Week, Minister Vanstone publicly released details of 52 SRAs involving 43 Indigenous communities around the country.<sup>19</sup> Minister Vanstone stated that the Government had set a target of 50 SRAs 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'.<sup>20</sup> 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.<sup>21</sup> Minister Vanstone called the SRAs the start of a 'quiet revolution', and described the agreements as 'representative of practical reconciliation'.<sup>22</sup>

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<sup>15</sup> Amanda Banks and Paige Taylor, 'Routine routs eye disease', *The Australian*, 10 December 2004, [http://www.theaustralian.news.com.au/common/story\\_page/0,5744,11645030%255E2702,00.html](http://www.theaustralian.news.com.au/common/story_page/0,5744,11645030%255E2702,00.html)

<sup>16</sup> Brendan Nelson, 'Agreements proving effective', *North Shore Times*, 13 April 2005, <http://www.brendannelson.com.au/news/default.asp?action=article&ID=325>

<sup>17</sup> 'Mutual' MIA in govt's MO', *National Indigenous Times*, 10 November 2005, p. 8.

<sup>18</sup> Kathryn Shine, 'Black responsibility deals 'no miracle'', *The Australian*, 16 May 2005,

[http://www.theaustralian.news.com.au/common/story\\_page/0,5744,15301585%5E2702,00.html](http://www.theaustralian.news.com.au/common/story_page/0,5744,15301585%5E2702,00.html)

<sup>19</sup> <http://www.atsia.gov.au/media/media05/v0514.htm> The first Shared Responsibility Agreements were in fact those negotiated in the COAG Trial sites.

<sup>20</sup> *ibid.*

<sup>21</sup> *ibid.*

<sup>22</sup> Stephanie Peatling, 'Let's make a deal: Vanstone lauds quiet revolution', *The Sydney Morning Herald*, 28 May 2005, <http://www.smh.com.au/news/National/Lets-make-a-deal-Vanstone-lauds-quiet-revolution/2005/05/27/1117129901109.html>

On 21 June 2005, Minister Vanstone announced a further financial commitment of \$3,348,000<sup>23</sup> to fund 24 new SRAs.<sup>24</sup> She stated that the funding came from grant and program funding previously administered by ATSIC and ATSI, '[b]ut unlike past practice, there is much greater emphasis on quality services, value for money and accountability in this year's grants'.<sup>25</sup> The new SRAs were described as including 'activities for young people, economic development, improving water supplies, agricultural projects and cultural activities'. The Minister stated that the latest round of SRAs 'confirms that Indigenous communities are responding to the Government's new approach of working directly with individual communities'.<sup>26</sup>

On 30 November 2005, Minister Vanstone announced 44 new SRAs and a further commitment of \$14 million.<sup>27</sup> Included in these SRAs was funding for 'unsniffable petrol, kidney treatment centres and home air conditioning', with communities in turn making commitments to 'put a stop to vandalism, pick up rubbish in their backyards, brush their teeth and look after local animals'.<sup>28</sup> The Minister was quoted as saying: 'We've really come a long way since we started doing these... What was paternalistic was us saying 'we know what you need, trust us, we're from Canberra'. That was the essence of paternalism, that's where we went wrong. The difference is, we're now treating the communities as people who are capable of telling the Government what they want to do with their community'.<sup>29</sup>

## Issues raised by SRAs

### Transparency, consistency and accountability

Copies of the actual 121 SRAs signed between governments and Indigenous communities to date have not been made publicly available. The Australian Government's Indigenous Portal containing press releases from the Minister about SRAs also includes a fact sheet, a map of where SRAs have been signed, general figures of government funds committed and the focus of the agreement, and A4 summaries of SRAs signed.<sup>30</sup> However the website does not include the relevant detail of the actual agreements, including any specific objectives, performance indicators, benchmarks, any existing baseline data or community identified priorities, or dispute resolution, monitoring and evaluation mechanisms.

The SRAs summarised on the Government's website vary significantly in terms of focus, commitments and funding. There have been no SRAs signed in the ACT, and only one each in Tasmania and Victoria. There have been 30 signed in Western Australia, 27 in NSW, 24 in the Northern Territory, 11 in Queensland and seven in South Australia. The amount of funding committed by the Australian Government varies from \$3000 for 'Activities for Young People' in Ringers Soak, Western Australia, to \$2 million to the Murdi Paaki Regional Council for 'Improving Living Conditions'.<sup>31</sup>

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<sup>23</sup> [http://www.indigenous.gov.au/sra/kit/table\\_june.pdf](http://www.indigenous.gov.au/sra/kit/table_june.pdf)

<sup>24</sup> <http://www.atsia.gov.au/media/media05/v0516.htm>

<sup>25</sup> *ibid.*

<sup>26</sup> *ibid.*

<sup>27</sup> <http://www.atsia.gov.au/media/media05/v0543.htm>

<sup>28</sup> Nicolette Burke, 'Aboriginal benefits for shared responsibility', *The Advertiser*,

1 December 2005, [http://www.theadvertiser.news.com.au/printpage/0\\_5942\\_17419013\\_00.html](http://www.theadvertiser.news.com.au/printpage/0_5942_17419013_00.html)

<sup>29</sup> *ibid.*

<sup>30</sup> <http://www.indigenous.gov.au/sra.html>

<sup>31</sup> <http://www.indigenous.gov.au/sra/kit/table.pdf>

There is no consistency between agreements, even those in communities in similar circumstances seeking to address similar problems. For example, the Government has variously committed \$3000 for ‘Activities for Young People’ in Ringers Soak, Western Australia; \$15,000 for ‘Structured activities for young people’ in Balgo, Western Australia; \$100,000 for ‘Sport and recreational activities for young people’ in Western Australia’; \$114,000 for a new scout troop in Yalata, South Australia; and \$418,000 for ‘Sport and recreation activities for young people’ in Dubbo, NSW.<sup>32</sup> The National Indigenous Times has also reported that while the NSW community of Bourke, with an Aboriginal population approaching 4,000 people, will receive \$47,000 to ‘Make the town safer’, the Northern Territory community of Tennant Creek, with an Aboriginal population of around 1,250, will receive \$363,000 to create ‘a safer community’ – despite the fact that the annual number of assaults in Bourke in 2004 were almost eight times the state average, while Tennant Creek’s assault rate sits at around the Territory average.<sup>33</sup>

The government has also been accused of deliberately withholding information and detail on SRAs in order to escape public scrutiny.<sup>34</sup> This is particularly ironic given the government’s claims of commitment to accountability after its portrayal of ATSIC’s mismanagement of funding and failure to adequately address Indigenous disadvantage. It is also difficult to ascertain from the information on the public record exactly how much funding is being spent on the government administration of SRAs, and whether it actually exceeds the amount reaching communities. What is public is that \$27 million of the Australian Government’s \$2.7 billion of Indigenous-specific funding has been allocated under SRAs to under 100 communities. The publicity generated by the Government seems disproportionate in relation to a strategy that allocates 1% of Indigenous-specific funding to services and infrastructure in communities. Again, the Government’s public accountability around Indigenous-specific funding seems to be more about demonstrating the instant success of their ideologically driven policy than genuine evaluation of positive change in people’s daily lives.

### **Rhetoric vs reality**

The Prime Minister and Minister for Indigenous Affairs have described SRAs as being ‘community driven’ ‘flexible and innovative’ and based on ‘genuine partnerships with Indigenous communities’. 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 partnership with government. 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.

Minister Vanstone 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

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<sup>32</sup> <http://www.indigenous.gov.au/sra.html>

<sup>33</sup> Ibid.

<sup>34</sup> Professor Geoff Scott, quoted in ‘The dollars and sense of Shared Responsibility Agreements just don’t add up’, *National Indigenous Times Issue 88*, 1 September 2005.

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.

The Government has stated that under its new arrangements, it wishes to sign SRAs with 'communities, families or clans'.<sup>35</sup> However in reality, funding from governments under SRAs must be provided to incorporated organisations. SRAs are actually more like a Memorandum of Understanding, and require funding agreements to underpin them in order to make them operational in terms of the provision of government funding.

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

#### **Citizenship entitlements vs 'discretionary' benefits**

While the funding allocated for SRAs is described as 'discretionary' and as not affecting the benefits and services that all Australians take for granted, many of the contributions that are to be provided by governments under such agreements are for infrastructure and services that other citizens would consider basic entitlements. From the scant information that is available, it is clear that under some SRAs, funding for essential infrastructure or services is being provided.

For example, in Coonana, Western Australia, the community of 90-120 people has entered into an SRA to improve their water supply. The community relies on dam water that is contaminated by feral horses, cattle and camels which is adversely affecting their health. Under the SRA, the Government will provide \$40,500 to fund trap yards, troughs and fencing around the dams to control the feral animals. In return, the community will monitor the stock, build the traps yards and fencing, and maintain the dams. They will also establish a work team to supply labour to local pastoralists. An adequate and clean water supply should by any measure be a citizenship entitlement in a country such as Australia.

In Enngonia, NSW, there is an SRA focused on encouraging young people who do not currently attend the closest high school in Bourke, 100 km away, to participate in a distance education program. The Commonwealth Government will provide \$20,000 to cover rent and costs such as electricity, as well as an Aboriginal teacher's aide for the project and bus trips for joint school days with Bourke High School. The NSW Government will provide a casual teacher based in Enngonia for high school students,

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<sup>35</sup> [http://www.indigenous.gov.au/rpa/common\\_ground.pdf](http://www.indigenous.gov.au/rpa/common_ground.pdf)

and will also provide desks, sporting and electronic equipment, and monitor test results. When the community of Wadeye adopted a 'no school, no pool' policy, it was widely promoted by the Federal and Northern Territory Governments as a successful example of mutual obligation working in practice in Indigenous communities. However, what was less reported was the fact that when hundreds of children did enrol in school, there was not enough room or facilities to accommodate them.<sup>36</sup>

Various Indigenous leaders have pointed out the racially discriminatory implications of SRAs. The Northern Territory's Aboriginal Medical Services Alliance executive officer, Pat Anderson, publicly criticised SRAs as violating basic human rights, pointing out that white Australians do not have to send their children to school or prove they are feeding them well to access facilities such as petrol bowsers and pools.<sup>37</sup> Mick Gooda stated that: 'Basic citizenship rights should not even be negotiated with an SRA... They should be given as a matter of course. This is the thing that ATSIC used to fight for all the time. Water, power, sewerage in remote Aboriginal communities. We have been fighting for years for these rights and shouldn't just bargain them away in an SRA.'<sup>38</sup> Mick Dodson stated that the Government should not be saying to Indigenous people: 'You need a shared responsibility agreement for us to deliver normal citizenship entitlements that other Australians take for granted. We will give you a school, if you behave in a particular way'. That's discriminatory.'<sup>39</sup>

### **Implementation**

It has become apparent that despite the rhetoric of 'mutual obligation' governments are not fulfilling their commitments to SRAs in reasonable timeframes. As well as Mulan's petrol bowsers, the National Indigenous Times recently reported it has taken years for the government to fulfil obligations that it committed under SRAs to the communities in the Murdi Paaki region in NSW. As a COAG trial site, Murdi Paaki has been involved in negotiating SRAs with the Federal and NSW Governments since 2002. Their first SRA focused on \$2 million funding for 200 air-conditioners in community-owned housing in the region. The NIT reported that despite the community meeting all of its obligations under the SRA, two and a half years down the track not one single air conditioner had been installed.<sup>40</sup> The chair of the Murdi Paaki Regional Council, Sam Jeffries stated that they were having to spend all their time negotiating separate individual SRAs for funding from governments: 'The Shared Responsibility Agreements have become the centrepiece, rather than actually doing something about the issues.'<sup>41</sup>

A significant issue with governments not fulfilling their obligations under SRAs is that there appears to be little provision for or commitment to monitoring or evaluating the SRAs, providing communities with little recourse. As Mick Dodson has stated: 'How do we know if the agreements are working if there's no evaluation built into

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<sup>36</sup> McLaughlin, M. (2005) 'Questions raised over Wadeye program', 7:30 Report, ABC TV, 28 April.

<sup>37</sup> Quoted on [http://www.abc.com.au/message/news/stories/ms\\_news\\_1379233.htm](http://www.abc.com.au/message/news/stories/ms_news_1379233.htm), 28 May 2005.

<sup>38</sup> Nassim Khadem, 'Aborigines fear basic rights loss', *The Age*, 26 September 2005, <http://www.theage.com.au/news/national/aborigines-fear-basic-rights-loss/2005/09/25/1127586746550.html?from=moreStories>

<sup>39</sup> Ibid.

<sup>40</sup> 'Mutual' MIA in govt's MO', National Indigenous Times, 10 November 2005, p. 8.

<sup>41</sup> Ibid.

them? There is enormous political pressure on bureaucrats to boost the numbers of shared responsibility agreements because they look good politically.’<sup>42</sup>

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 they are community-initiated, collaborative and flexible, there is no clear process set out in the event that any party to the agreement does not live up to its commitments, nor an indication of how change effected by such SRAs will be achieved or measured.

### **Conclusion**

Accountability and responsibility by government for the provision of basic services and infrastructure has become conditional for one section of the Australian community based on race under SRAs. 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. The SRA framework also prioritises discrete remote communities over urban communities. 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 Australian Government should be held to account for its rhetoric around SRAs, and demonstrate their commit to genuinely evaluating the effectiveness of their new policy approaches in addressing Indigenous disadvantage.

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<sup>42</sup> Nassim Khadem, ‘Aborigines fear basic rights loss’, *The Age*, 26 September 2005, <http://www.theage.com.au/news/national/aborigines-fear-basic-rights-loss/2005/09/25/1127586746550.html?from=moreStories>