

2009 Lowitja O'Donoghue Oration
Adelaide 28 May 2009
Fred Chaney AO
Delivered in conjunction with Jackie Huggins

Bringing Black and White Australians Together

I acknowledge the Kaurna people, the traditional owners of this country on which we sit, I pay my respects to them, to their elders past and present, and acknowledge their special place as the first nation of this place. I thank Karl Telfer for his gracious and generous welcome to country.

It is a great honour for me to be delivering this oration in honour of Lowitja O'Donoghue in conjunction with Jackie Huggins. Both are Aboriginal women of great distinction who in their varied careers have shown national leadership to the Aboriginal and Torres Strait Islander communities, our first nations. I will hereafter refer to those communities and people as Aboriginal using that term as inclusive of all the Indigenous people of Australia.

I was deeply touched when Lowitja personally issued the initiating invitation and relieved at her idea that Jackie and I should share the oration. My relief flowed from my belief that now, as in the past, if we are to bring black and white Australians together it is essential that we of the settler society are able to hear black voices above the din of debate, whether of the history wars variety or the often subtle reassertion of assimilation as the answer to all Aboriginal issues. That is why the work Jackie, with Tom Calma and others, is doing now on how to constitute a national Aboriginal voice is so important. How are white Australians (and I adopt the terminology of the given Oration title) to come together with black Australians unless we can hear clearly black voices so we can know where we should be attempting to engage? As I add another white voice to the debate this evening I do so in the context of trying to respond to black voices and demands for justice of the sort we have heard so often from Lowitja over her extraordinary career.

For much of my working life Lowitja O'Donoghue has been one of those clear voices to whom I tried to listen to determine my own direction. We all know much of her life and work so I will not repeat her whole history.

She has the highest formal honours the nation can bestow, has been recognised as Australian of the Year and designated a National Living Treasure. Her unique status in the national consciousness was captured at the opening of the National Portrait Gallery in Canberra last year. In an audience containing a large number of the prominent Australians memorialised in that gallery only one person was singled out for mentioned by name by the officiating Prime Minister, Kevin Rudd. That person was Lowitja. On all I know of her from personal acquaintance, and I hope friendship, she deserves every honour and accolade heaped upon her. It is lucky for another great South Australian woman, Blessed Mary McKillop, that Lowitja is still alive, otherwise Lowitja might be pipping her for being the first Australian canonized.

One of Lowitja's distinctions is that she worked for much of her life in public administration. In a field where grand declarations of good policy intentions are common and conversion of those good intentions into concrete results less common, she has not shirked the burden of trying to achieve results on the ground. As a nurse, then later working for the Aboriginal Legal Rights Movement, as a regional director of the Commonwealth Department of Aboriginal Affairs, as the first chair of ATSIC, she has worked where rhetoric runs up against reality, she has worked where the rubber hits the road. It is this area of public administration, to which Lowitja has contributed so much, that I want to address tonight, it is where a great deal needs to be done to bring black and white together.

In the year 2000 celebrations which attended the end of the decade of reconciliation, as we marched across bridges and partied together, the Aboriginal voices I heard consistently asked the question, "But when will things be different?" I think it was Charles Perkins who said long ago that we could not be reconciled while Aboriginal disadvantage persists. At this time, when we have made such great strides at the symbolic level through the apology and there are unprecedented positives in terms of good intentions about ending disadvantage, a critical difficulty we face is not in winning new policy concessions from governments but in ensuring governments can deliver on their policy commitments. The fundamental challenge for governments today is no different from the fundamental challenge we have faced over the last 30 years, how do we deliver on our good intentions?

In so many ways we are in the best of times. The opportunities have never appeared greater. The breadth of engagement across the Australian community is unprecedented. Reconciliation Australia's Reconciliation

Action Plans are being embraced across the spectrum of Australian institutions. The banks, the miners, universities, schools, hospitals, government departments, the national airline, and many others are engaged, not in unilateral declarations of good intentions but in engagement with Aboriginal stakeholders in measurable plans for on the ground action. At their best Reconciliation Action Plans build engagement with Aboriginals into the business plans of organizations in a way which is directly connected with and driven by Aboriginal aspirations.

But no matter how powerful and positive the contribution of the commercial and non-government sector, and at its best it is positive and powerful, governments remain the critical players. That is because governments provide and will continue to provide most of the basic services including:

- the bulk of the schools in which Aboriginal children will be educated,
- the universities and technical colleges that will provide more advanced education,
- the child health services and the hospitals which deal with the serious problems of Aboriginal health, and
- the police the courts and the jails which have such a significant impact on Aboriginal lives.

I am not one of those who, impatient with the difficulties of dealing with governments and their bureaucracies, turn away to the consolation of dealing with the non-government sector with its commitment to outcomes rather than process, flexibility and management expertise. While I cherish for example the productive engagement of the Graham (Polly) Farmer Foundation with the mining industry in assisting Aboriginal students to finish high school and can admire others sending a minority of students off to boarding schools, I know that if the broad mass of government schools are not educating Aboriginal children, in 30 years time we will still be puzzling about how to bring black and white together. If government institutions do not work for Aboriginal people we will never close the gap.

The past is a land full of good intentions. As we look at the dedicated work of the Council of Australian Governments in 2008 and 2009 it is salutary to remember that as long ago as 1992 the State and Commonwealth Governments combined in a Statement of National Commitment to work together and to deliver citizenship entitlements to Aboriginal people. It is worth remembering the more recent well

intentioned COAG trials which produced such limited outcomes notwithstanding valiant bureaucratic attempts to make the system work for Aboriginal people. It is worth remembering these things not to be cynical or dismissive about the worth and bona fides of present commitments, but rather to understand the reasons for past failure and to ensure that the current commitments to real and measurable progress, the current commitments of substantial new funding, result in the closing the gap targets being met. Lowitja, like me, knows that the hard part is delivery against good intentions.

What are the present ambitions of governments? There are six ambitious targets put on the table by the Council of Australian governments. They are:

1. To close the gap in life expectancy between Indigenous and non-Indigenous Australians within a generation.
2. To halve the mortality gap between Indigenous children and other children under age 5 within a decade.
3. To provide access to early childhood education for all Indigenous four-year-olds in remote communities within five years.
4. To halve the gap in literacy and numeracy achievement between Aboriginal and Torres Strait Islander students and other students within a decade.
5. To halve the gap between Indigenous and non-Indigenous students in rates of year 12 attainment or an equivalent attainment by 2020.
6. To close the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

According to the head of the Department of Prime Minister and Cabinet, Mr Terry Moran, in November last year, COAG committed joint funding of \$4.6 billion, most of it new money towards meeting these targets. These targets and the commitment of largely new funds mean that we should give high marks to the governments of Australia for their current good intentions.

It is also important that considerable thought and effort has gone into the difficult issue of remote service delivery and that the governments have entered into a national partnership agreement on that subject. It appears to me that they are trying to learn the lessons of the past. This is apparent in Schedule C. to the National Partnership Agreement on Remote Service Delivery which sets out the service delivery principles for services to Indigenous Australians.

These principles, which are to guide design and delivery of both Indigenous specific and mainstream government programs include among other things:

- Engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services
- Programs should be physically and culturally accessible to Indigenous people
- Engagement with indigenous men women and children and communities should be central to the design and delivery of programs and services
- Recognize that strong relationships/partnerships between government, community and service providers increase the capacity to achieve identified outcomes
- Ensure indigenous representation is appropriate, having regard to local representation as required.
- Use evidence to develop to develop and redesigned programme services and set priorities
- Include strategies that increase independence empowerment and self management
- Flexibility in program design to meet local needs
- Recognize that programs and services should not erode capacity or capability of clients or impact negatively on the outcomes of other programs and services.

All of this suggests to me a careful attempt to avoid the mistakes of the past. But the comfort I get from this is diminished by the contrast between the deep concerns about what is actually happening on the ground which are passed on to me and the admirable principles I have just outlined. Time does not permit me to detail all of the concerns that have been raised with me from across remote Australia and which I have raised with government, but they lie in the following areas:

- High-level policy changes that substantially intact impact on local activities with limited or no consultation with the affected communities about the changes and, perhaps even more important, about their implementation. For example the CDEP changes will impact differently across the wide range of circumstances in different communities. In some remote communities such as the Ngaanyatjarra Lands this will significantly disrupt what is currently working unless it is a managed process with real community input.

- Lack of contact between local communities and government authorities caused I suspect by limited government resources for meaningful field engagement. Fly in fly out teams telling people what is going to happen does not comply with any of the so called principles.
- Policy changes which are driven by ideological positions without regard to pragmatic considerations such as the imposition of individual power meters in the interests of encouraging greater personal responsibility in communities which until now have successfully paid their power costs through a bulk process. The more likely outcome will be arrears, collection processes and presumably a final sanction of having the power cut-off. This is scarcely flexibility in program delivery and more like an erosion of capacity.

But of greatest concern is the tight timetabling of the various plans meant to drive progress. It is good for governments to set targets, it is good for them to put pressure on themselves to deliver. But there is real tension between the desire to deliver quickly and what we know about what is required to produce results. The principles set out above are a reflection of one of the most powerful lessons of the past, namely that in the absence of the application of these principles permanent positive change will not be achieved.

The proposition that Aboriginal engagement and involvement is a core requirement for success is no longer contentious. For example, a previous Minister for Indigenous Affairs for the Commonwealth, Senator the Hon Amanda Vanstone made comments on the principles underlying the administration of Commonwealth programs at a workshop organised by Reconciliation Australia in May 2005. She stressed:

- the centrality of Aboriginal voices to the new conversation saying what they want and what they think will work
- empowering the locals
- think Canberra funded not Canberra run
- sound governance arrangements and leadership in local communities
- governments getting their act together.

There are many statements to like effect but Terry Moran put it succinctly in an address in April when he talked about “the vital importance of engaging Indigenous Australians in the strategy, because we can be sure that without their engagement, this enterprise will fail.”

That is why we should be concerned that in the same agreement which captures the service delivery principles for the COAG program as it relates to remote communities we also find that:

- Bilateral plans, with identified locations, milestones, performance benchmarks and indicators are to be agreed within three months of signing the agreement
- The integrated service delivery mechanism is to be established within six months of the bilateral plan is being signed
- Baseline mapping is to be completed within one month of the mechanism being established, and
- Drafting of detailed local implementation plans for each location is to commence upon completion of baseline mapping and is to be progressed in consultation with local Indigenous people.

So the local indigenous people do get a look in at the point of drafting details of local implementation plans but what about before that and why are they talking about bilateral plans, that is between State and Commonwealth and not trilateral plans between State Commonwealth and Aboriginals?

The truth is that in the entirely laudable desire to show that real change has been achieved, that there are real outcomes post apology to demonstrate the bona fides of government, we may well be putting the whole admirable exercise at risk by repeating the errors of the past and precluding the Aboriginal participation which we know is essential to the success of the project.

Last week I spent some time with members of the Katherine West Health Board. That Board is responsible for all medical services across a substantial part of the Northern Territory in the region of Katherine. The service is a successful example of Commonwealth/Territory/Aboriginal cooperation. It is a benchmark in a number of respects. It involves the pooling of Commonwealth and Territory programme monies to enable services to be delivered by a single agency, and there is real community involvement and indeed control. The story of the development and evolution of the service has been captured a small book entitled “Something Special” published by the Aboriginal Studies Press. The relevance of this history is that it clearly demonstrates that Aboriginal community engagement is not achieved overnight. It records “the differing perspectives held and tactics employed by all the various players... came close to exploding on more than one occasion. Without the ability of all stakeholders to get together and compromise, without a

committed person with good political judgement in the middle, the chances of getting such a radical initiative off the ground would have been slim.”

The timetable for the government parties was a constant problem. Describing pressure from Canberra to get started it records “ It seems that almost everyone involved – and especially those OATSIH people situated in the remote city of Canberra – hugely underestimated the amount of work that had yet to be done.”

The struggle over years to achieve real community involvement and control was vindicated by the outcomes. I quote from the evaluation of the service:

“ The trial has demonstrated that the effectiveness of good clinical, public health, administrative and financial practice can be realised if the reform agenda is driven through community organizations are adequately resourced and supported. Irrespective of the amount of (additional) resources the trials also demonstrated that account must be taken of the time required for organizations to build a capacity.”

Something Special illustrates the time and resource implications if governments are genuinely committed to the principles they espouse in Schedule C.

“The national evaluation also offered confirmation of some other important experiences which the board had been through over the course of the Trial. In particular, the emphasis on the need to build capacity had been seen as vital. In the case of Katharine West, this has taken two main forms;

- A long lead up the period to allow for extensive community consultations, discussion and debate. This goes beyond the usual way in which governments define ‘consultations’ – such as just having one or two meetings and talking to half a dozen people or local councils. Instead, in the Katharine West experience ‘consulting’ meant that virtually every adult in each of the communities concerned had to be made aware of the proposal – through face-to-face discussions – then given time to reflect on the implications, their opinions sought, the original proposal revised in light of this, and so on. It required nothing less than detailed individual dialogue, which was ongoing throughout all phases of

the trial and could not be fitted into timetables dictated by the program funding cycles which emanated from Canberra.”

There are at least two trip wires which could limit the sustainability of changes being pursued through the COAG process. The first is whether governments with their timetables and bilateral agreements will permit the time required for real community engagement and ensure that communities have the resources and capacity to partner with governments to achieve shared aims. The second is whether the agencies of government are staffed with the skilled personnel required for consultation across the great variety of communities with which governments are seeking to engage. There are people available with such skills and government could look to the mining industry for example in this regard. It is a task for skilled intermediaries who have experience in achieving results as well as in cross-cultural communication, not attributes necessarily attached to people whose skills are essentially bureaucratic. To some extent in dealing with disadvantaged communities you are asking centralised bureaucracies to act against the order of their nature, and unless they are clearly tasked to behave in the way required by Schedule C the old command and control ways will persist to disastrous effect.

Closing the gap or at least substantially reducing it within a generation is clearly possible. It is unlikely to happen unless governments learn new ways of working. It could be useful for them to think about the way in which the mining industry has, since 1995 in Australia, re-engineered its approach to dealing with Aboriginal communities. I have commended to governments the Rio Tinto publication entitled “Aboriginal Engagement in the Resource Development - Industry Leading Practices” published in October 2008. This publication records that “a mutually beneficial, working relationship through positive engagement with Aboriginal groups has become a pre-requisite for advancing a project”.

It records four key elements of aboriginal engagement in project development:

1. Place the decision to move forward ... in the hands of Aboriginal participants.
2. Partner with Aboriginal participants in project decision-making
3. Work with the Aboriginal participants to ensure concerns are understood, discussed and incorporated, and obtain feedback
4. Provide information to Aboriginal participants to facilitate their understanding of the project and its benefits.

Then, as you would expect in an industry where a financial bottom line is clear and clarity of management is essential to commercial success there is great emphasis on implementation. In this respect they point out that a well developed and supported approach to implementation is a common characteristic of leading practices in Aboriginal engagement. Surely we can expect no less from governments? But if history is any guide we know that the skilful writing of a fine policy tends to take precedence over the boring business of implementation, and indeed the pedestrian matter of implementation can be delegated to the lesser bureaucratic orders.

The miners on the other hand stress having functional personnel across the operation retaining close ties to the specific project and local Aboriginal communities. They stress community wide engagement and structured institutionalised relationships and continuity of relationships. They stress superior leadership on the part of both the project proponent and Aboriginal group with key aspects including senior corporate commitment, high degree of respect for Aboriginal people and culture and willingness to engage in open dialogue. They stress adequate staff and financial resources to enable effective implementation and to allow Aboriginal groups to be fully and fairly engaged. They stress ongoing monitoring to ensure agreements are fulfilled that there be transparency and accountability. Then, as you would expect, they expect a business planning approach, a move towards joint business planning approaches with attention being paid to scope of activities, responsibilities and consequences, timeframes and resources.

None of this describes what I have seen as common government practice in the past. Yet it should be and if Schedule C represents the new order it will be. Surely government can match the private sector. There is a lot of work and capacity building in the bureaucracies to be done to deliver on the promise of COAG. We must hope that it will be forthcoming. The best reward for the lifetime of devoted public service of Lowitja O'Donoghue would be for the governments of Australia to ensure that Aboriginal engagement in their public administration becomes the standard way of doing business.