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# RESEARCH DISCUSSION PAPER

**Not fit for modern Australian society:**  
Aboriginal and Torres Strait Islander people and  
the new arrangements for the administration of  
Indigenous affairs

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**Not fit for modern Australian society: Aboriginal and Torres Strait Islander people and the new arrangements for the administration of Indigenous affairs.**

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## GLOSSARY

AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
APS	Australian Public Service
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSIS	Aboriginal and Torres Strait Islander Service
CAAMA	Central Australian Aboriginal Media Association
COAG	Council of Australian Governments
DIMIA	Department of Immigration, Multiculturalism and Indigenous Affairs
DCITA	Department of Communication, Information Technology and the Arts
ICCs	Indigenous Coordinating Centres
NIC	National Indigenous Council
OIPC	Office of Indigenous Policy Coordination
RPAs	Regional Partnership Agreements
SRAs	Shared Responsibility Agreements

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## INTRODUCTION

In the discussions about the Shared Responsibility Agreement (SRA) negotiated with the Mulan community, the Aboriginal and Torres Strait Islander Social Justice Commissioner, Tom Calma stated that:

It would be unacceptable for Indigenous people to be denied basic citizenship services that all Australians take for granted...any proposals must comply fully with the *Racial Discrimination Act* and the principle of non-discrimination more generally. Proposals which fail to do so should be rejected outright as morally repugnant and not fit for modern Australian society.

Jackie Huggins made an argument to the Senate that there is a need to reflect on, and analyse the new approaches to Indigenous affairs, and our responses to them. Jackie also suggests that:

Change is fine – as long as it makes sense and isn't change for the sake of it or even worse change for purely political reasons that bear little relevance to the daily lives of my people.<sup>1</sup>

The complexities of the new arrangements are difficult to communicate in their entirety, however, we need to consider the impact of the new arrangements because, as the then ATSIC Commissioner Alison Anderson has forewarned us all:

The potentially destructive impact of the move away from self-determination to mainstreaming will be seen in the immediate future. Our concern is that once again we will be experimented on and that, in another five to ten years time, we will be back to discuss what went wrong.<sup>2</sup>

This paper then, is one Indigenous woman's reflection and analysis of the first twelve months in the new arrangements in the administration of Indigenous affairs.

A descendant of the Merriam people in the Torres Strait, I have lived and worked in rural and remote Australia for a large part of my adult life. As the manager and worker in a number of Aboriginal and Torres Strait Islander and non-government organisations including the Pintubi Homelands Health Service, situated 500 kilometres west of Alice Springs and the Apunipima Cape York Health Council, based in Cairns, I developed an expertise in social health, particularly sexual and reproductive health.

An interest in this field allowed me to make contributions in Australia and the Asia Pacific region in cross- jurisdictional areas such as gender issues, social justice, human rights, violence, access and equity, service provision, harm minimisation and citizenship rights and responsibilities. I am keenly interested in the replication and evolution of societies, particularly indigenous societies; and the impact of the beliefs, values and attitudes of dominant groups on the capacities and aspirations of people who make up the minority.

In 2004 I applied for a position in the administration arm of the Aboriginal and Torres Strait Islander Commission (ATSIC) then the Aboriginal and Torres Strait Islander Services (ATSIS), which was created on 1 July 2004. With the abolition of these

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<sup>1</sup> Statement by Jackie Huggins, Co-Chair of Reconciliation Australia, to Senate Committee on the Administration of Indigenous Affairs, 18 February 2005, p. 1.

<sup>2</sup> Commissioner Alison Anderson, *Proof Committee Hansard*, Senate Committee on the Administration of Indigenous Affairs, Alice Springs, 20 July 2004, p. 48.

agencies, I accepted a position as the Director of the Regional Governance Unit in the new Office of Indigenous Policy Coordination (OIPC) situated in the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). During the months that ensued, I found myself getting physically ill every morning I went into the office in the Lovett Tower, Woden, in Canberra. This feeling would abate when travelling in communities and over the weekends, only to recur with full force upon my return. In the lifts going up to the fifth floor every morning, I found this to be the case with many other Aboriginal, Torres Strait and non-Indigenous OIPC staff members.

Needless to say, I did not work long in the Australian Public Service; I had the opportunity to move to the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) to undertake a short term Visiting Research Fellowship reviewing the new arrangements in the administration of Indigenous Affairs. This has been the first time in my life I have had the opportunity to read, think, write and reflect. This paper was developed during this time, primarily to understand my adverse physical reaction to working at OIPC and to provide an analysis about the new arrangements and some strategies for consideration by the new Indigenous leadership.

I will argue that heritage, structures and constructs of Indigeneity plus the responses of strategic individuals will shape citizenship considerations and the scope for self-determination for Aboriginal peoples in decades to come.

This paper is in three sections:

**Section A** outlines the policy evolution and background to the new arrangements in the administration of Indigenous affairs and provides an overview of the arguments expressed by Aboriginal leaders and their inclusion in the new policy framework. In this section I attempt to answer the questions: What are the new arrangements in Indigenous affairs? Are the new arrangements really new? What is the Government's plan?

**Section B** details the new arrangements and provides an analysis of the primary and secondary client group of the new arrangements, as well as issues pertaining to Indigenous people's representation and strategic leadership; and a review of emerging inequities by using case studies. In this section I attempt to answer the question: How are the new arrangements effected through policy and actions of Government?

**Section C** explains the potential impact of the new arrangements on Aboriginal and Torres Strait Islander peoples and a way forward. In this section I try to articulate what these arrangements mean for Aboriginal and Torres Strait Islander peoples and provide some strategies to consider for positioning ourselves into the future. I consider the questions: What might the impact of these new arrangements be on Aboriginal and Torres Strait Islander peoples' aspirations for self-determination and how can we respond?

In order to arrive at my conclusions, I have reviewed historical records, articles, policy platforms, ministerial speeches, and government official addresses; transcripts from the Senate Select Committee Inquiry into the Administration of Indigenous Affairs; Council of Australian Government's (COAG) information; and summaries of the Shared Responsibility Agreements (SRAs) that have been made between governments and Indigenous communities. I also interviewed ATSIC representatives, bureaucrats and community members about their perceptions of the new arrangements.

There are many responses that Indigenous people can have to the new arrangements on Indigenous affairs. However, the abolition of ATSIC and the non-engagement by Government to recognise any national Indigenous leadership, coupled with the

implementation of the ‘practical’ reconciliation agenda and a focus on ‘service delivery’ as the method to overcome ‘disadvantage’, may provide Indigenous peoples with opportunities to overcome the exclusion from the prosperity of this, our country.

To take advantage of these opportunities, we must resist being defined by governments as ‘disadvantaged citizens’ and co-opted into over-simplistic debates that mask the structural and systematic barriers that have contributed to the situation in which we now find ourselves. A failure to recognise and embrace the cultural characteristics and the cultural capital of Aboriginal and Torres Strait Islander people is one of the major barriers that exclude us.

By re-embracing our notions of Indigenous citizenship, reviewing our governance practice, assessing our agreement making, creating spaces to practice sovereignty, asserting our Indigenous knowledge and practices, and supporting our land rights and responsibilities; Aboriginal and Torres Strait Islander people will be able to assert our rights for the same opportunities without being made the same.

## **Section A: Policy evolution and background to the new arrangements in the administration of Indigenous affairs.**

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On 15 April 2004, the Australian Government announced that it was introducing significant changes to the delivery of services to Indigenous communities. It announced that the Aboriginal and Torres Strait Islander Commission (ATSIC) and its service delivery arm, Aboriginal and Torres Strait Islander Services (ATSIS) would be abolished. Responsibility for the delivery of all Indigenous specific programs would be distributed across the relevant government departments.

The Government also announced that all departments would be required to coordinate their service delivery to Indigenous peoples through a whole of government approach, with an emphasis on flexibility and regional service delivery.

The new approach involves setting priorities at a regional level, and negotiating agreements with Indigenous families and communities at the local level. Central to this process is the concept of ‘mutual obligation’ or ‘reciprocity’ for service delivery.

In the information booklet, *New arrangements in Indigenous Affairs*, Regional Partnership Agreements (RPAs) are described as a mechanism to:

Guide a coherent government intervention strategy across a region, eliminating overlaps or gaps and promoting coordination to meet identified priorities for the region. Where States and Territories have agreed, RPAs may also incorporate State and Territory investment, reflecting the ‘National Framework of Principles for Government Service Delivery to Indigenous Australians’ agreed by the Council of Australian Governments (COAG) in June 2004.<sup>3</sup>

In the same booklet, Shared Responsibility Agreements (SRAs) are defined as more detailed documents operating at a family or community level:

SRAs will set out clearly what the family, community and government is responsible for contributing to a particular activity, what outcomes are to be achieved, and the agreed milestones to measure success. Under the new

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<sup>3</sup> Office of Indigenous Policy Coordination, *New Arrangements in Indigenous Affairs*, August 2004, p.17.

approach, groups will need to offer commitments and undertake changes that benefit the community in return for government funding.<sup>4</sup>

In the context of the whole of government approach, these changes have become known as the 'new arrangements in the administration of Indigenous affairs'. The Government began to implement these changes from 1 July 2004, however, it has been noted in the Aboriginal and Torres Strait Islander Social Justice Commissioner's Report 2004 that it will be some time before the new arrangements are in place and fully operational.

## **1. An overview of the new structures and approaches**

This overview reviews the events leading up to the introduction of the new arrangements for the administration of Indigenous affairs, and provides an outline of the new structures and approaches, grouped into six main components. I also provide some points of consideration in the implementation of these arrangements for both governments and Indigenous peoples.

### **Background to the new arrangements**

The growing momentum over the past two years to change the ways governments interact with and deliver services to Aboriginal and Torres Strait Islander people has been driven by three interrelated developments:

- A focus and scrutiny on the role and performance of ATSIC;
- Progress in implementing the commitments of Council of Australian Governments (COAG), particularly through the whole of government community trials (COAG Trials); and
- An emphasis on change in the Australian Public Service (APS) to reinvigorate public administration and improved service delivery.<sup>5</sup>

#### *The focus on ATSIC*

In 2003 much of the focus on Indigenous issues centred on the performance of ATSIC and proposals for reforming its structures and function. An ATSIC Review Team delivered a midyear report '*In the Hands of the Regions – a new ATSIC*' in which they concluded that whilst there was widespread support for the continuation of a national representative Indigenous body:

- ATSIC was in need of structural change;
- There needed to be an improved connection between the regional and national policy formulation; and
- A significant challenge was identified for Government in the delivery of services to Indigenous peoples stating that mainstream organisations and their Ministers had avoided responsibilities for their own shortcomings in making a difference for Indigenous peoples.<sup>6</sup>

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<sup>4</sup> OIPC, see note 3 above, p.18.

<sup>5</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner, Social Justice Report 2004, HREOC, Sydney 2005, chapter 3.

<sup>6</sup> Hannaford, J., Collins, B., and Huggins, J., *Review of the Aboriginal and Torres Strait Islander Commission Public Discussion Paper*, June 2003, p.15.

The Review report advocated ‘regionalism’ and canvassed a number of options for achieving greater emphasis on regional need and participation of people at the regional level. The findings in this Review concurred with those made in the 2001 *Report on Indigenous Funding* by the Commonwealth Grants Commission: that the federal system of Government obscures the responsibilities of different levels of government; and has led to cost shifting between government departments as well as across different levels of government.<sup>7</sup> This assertion, combined with a lack of accessibility of mainstream government programs for Indigenous peoples, placed too much burden on Indigenous agencies such as ATSIC.

To address this challenge, the Commonwealth and State/Territory Governments continued to implement the COAG commitments made in 2001 to overcome Indigenous disadvantage resulting in eight whole-of-government community trial sites across the country.

### *COAG Commitments and COAG Trials*

The philosophy underpinning the COAG Trials is ‘Shared Responsibility - Shared Future’, acknowledging that the wellbeing of communities is shared by individuals, families, communities and government and that all parties must work together to build their capacity to support a different approach to the economic, social and cultural development of Aboriginal and Torres Strait Islander peoples.<sup>8</sup> The goals of the COAG trials are to improve the coordination and flexibility of programs and service delivery to better meet the needs and priorities of local communities.

There are eight COAG Trials across the country, each with a lead Australian Government agency, which has responsibility for coordinating the Government initiatives in the respective trial sites:

- Cape York, QLD (lead agency – Department of Employment and Workplace Relations)
- Murdi Paaki, NSW (Department of Education Science and Training)
- ACT (Department of Environment and Heritage)
- Shepparton, VIC (Department of Employment and Workplace Relations)
- Northern Tasmania (Department of Immigration and Multicultural and Indigenous Affairs)
- AP Lands, SA (Department of Health and Ageing)
- Wadeye, NT (Department of Family and Community Services)
- East Kimberly, WA (Department of Transport and Regional Services)

At its meeting of 25 June 2004, COAG endorsed a ‘National Framework of Principles for Government Service Delivery to Indigenous Australians’. This framework confirms, at the intergovernmental level, the principles that underpin the new administrative arrangements at the federal level (and were further developed through the COAG trials). The principles are divided into six thematic groups:

- Sharing responsibility;
- Harnessing the Mainstream;
- Streamlining service delivery;

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<sup>7</sup> Commonwealth Grants Commission, *Report on Indigenous Funding*, Canberra, 2001, pp. xviii-xix.

<sup>8</sup> Indigenous Communities Coordination Taskforce, *Imagine what could happen if we worked together: Shared Responsibility and a Whole of Government Approach*, Conference Paper, Native Title Conference, Alice Springs, June 2003.







































































































