

Anangu Pitjantjatjara & Yankunytjatjara Lands Report

Preamble:

On 26th August 2004 it became clear that the Honorable Bob Collins could not continue in his role as Coordinator for the Anangu Pitjantjatjara and Yankunytjatjara (APY) Lands and the government approached Lowitja O'Donoghue and Tim Costello, Chief Executive of World Vision to step into his shoes. Both agreed on a provisional basis as Advisors to the Premiers. They would review the progress of the taskforce and the whole of government approach and the recommendations made by Senator Bob Collins.

On the basis of a sharp, short review they would provide the Rann government with advice and recommendations that might assist in maintaining the momentum that came out of the first Bob Collins' report and the responses to it. This report is the advice and recommendations.

Report:

We visited the APY Lands on the 19th & 20th August, 2004. On that trip we were accompanied by Joslene Mazel (Director of Projects Branch Cabinet Office), Angela Duigan and World Vision Board Member and Indigenous Leader Brian Lampton, Maria McCarthy (Director of Major Corporates and Donors for World Vision Australia) and Jane McKeon (wife of World Vision Australia Board Member, Simon McKeon). We had extensive discussions at Umuwa with the then chair of APY Lands, Gary Lewis. We visited the Pukatja Arts Centre, PY media and communications, Nganampa Health council, Kaltjiti Arts Centre and the township of Fregon and Ernabella. In this short period we were able to meet not just community members but a number of young emerging leaders. At night we hosted a barbeque where many of the service providers and different Indigenous communities and leaders including clan and factional enemies all attended. We were advised this was a significant achievement in terms of getting many people who have been openly hostile to the one social occasion. The situation on APY Lands which we confronted is now well known and documented in various reports including the coroners inquest, the Tregenza report, the Honorable Bob Collins' report and the select committee report. In short these are the problems of poor living conditions in the APY Lands communities characterised by unemployment, substance abuse particularly petrol sniffing, inadequate housing capacity, low attendance at school, boredom and inadequate youth initiatives, high violence and crime, rubbish and lack of care for the communities and most noticeably great fears for personal safety and evidence of much protective wiring bars and security.

The disputes between community leaders about preferred management structures and how they perceived existing ones function were very explicit. There has been poor communication not just within the community but between the community and the government. The constant message we heard from people was ‘we don’t know what’s going on; no-one communicates with us’. There were claims of corruption and bullying from various community representatives directed to those in power on the APY Land or by them to those in service delivery. It is clear that the elections of the APY Lands Council were being regarded as an opportunity to have a clean start and a clear mandate. We recognised the overwhelming sense of despair and regression of the communities amongst the elders who commonly talked of wanting the days of the missionaries to return. We recognised that this wasn’t necessarily indicating the missionaries literally but the sense of safety and purpose that those days characterised as contrasted with the fear and fragmentation of the present situation. The overwhelming feeling of despair from the elders is dangerously close to considering the situation quite hopeless. That is evident in the neglect and abuse of community property such as halls and churches. Uniting church representatives are regular visitors to the Lands. Discussions with them would be worthwhile.

In short, the community stakeholders clearly agreed on the following issues:

1. Living conditions are poor and require improvement.
2. Increased funding or the flow of funding that has been stopped needs to be addressed.
3. Support and assistance is desperately required to address areas such as petrol sniffing. There is a recognition that they appear not to have the capacity to solve this from within their own communities.
4. There is great frustration of what appears to be a lot of agency/Government talk about things being done but little action to be shown for it.
5. Dissatisfaction with the government was expressed and a plea for some quick action and results to at least restore some sense of hope and momentum.
6. There are too many short term visitors and very few people stay and properly listen to the community issues and seem to deliver.

Gary Lewis, the Chair of the APY Lands Council argued that the election was not required or necessary and secondly that all funding for any services should come through the APY Lands Council as they are the sovereign governing body.

The Pukatja community:

1. There is an urgent need for a pottery and ceramic school centre required for young men, as the women’s space is a protective safe space for them but leaves the men with no outlet.
2. There is need for ongoing support for the current youth worker as it appears they are only operating on 12 month contracts.
3. That a community hall and new sports equipment should be provided.
4. That there are substance abuse rehab programs/detoxification centre is desperately needed.
5. That the existing pottery centre be further equipped and resourced.

The Nganampa Health Council:

- That clear definition that all the roles of the different representatives within the APY Lands Council be agreed
- That the Health Council funding be provided directly not via the APY Lands Council
- That APY Lands Council was considered as just another service provider, not a peak body.
- That the current negative behaviours of the APY Lands Council be addressed

PY Media:

- That there should be freedom of communication without censorship
- That a recording studio similar to the one in Papunya be built
- That the current negative behaviours of the APY Lands Council be addressed

Kaltjiti Community:

- That a substance abuse rehab program/detoxification centre be provided
- That there be an increase in education application of law and culture
- That the funding go directly to the community not through the APY Lands Council
- That there is representation on the government taskforce
- The community was better understood and managed when there were missionaries there

These views don't purport to be exhaustive and comprehensive but in so far as we heard recurring themes we would suggest they are representative of the sense of despair and communication breakdown that these communities are experiencing. The one positive note that was constantly referred to was the presence of more SAPOL on the Lands. This had already dramatically increased a sense of security through their visibility.

The review of Public Service and Indigenous Affair Policy Issues in Adelaide

The APY Lands Strategic future was transferred to the Premier's Office in March 2004 and embodied in a Taskforce. This was due to the critical findings of the coroners report and prompted the appointment of Bob Collins as coordinator on APY Lands issues. It is noted that this was not considered to be a popular move by the APY Lands Council, as it was felt the decision was made without their input. The use of the word Administrator rather than coordinator intensified the feelings of infringement of their role and self determination by the APY Lands Council. Due to an unfortunate car accident in June 2004 where Bob Collins was severely injured, he was unable to continue his duties as coordinator.

We met on the 29th of September 2004 with a range of senior bureaucrats in order to assess the whole of government process. The first was Angela Duigan and Joslene Mazel representing the Department of Premier and Cabinet. They took us through the whole of

government approach and how the Taskforce was working for a strategic plan for the APY Lands.

It is our view that the strategic plan coordinated by Premier's department and embracing the whole of government is philosophically accepted by all departments and seen as a step forward in advancing the focus on response to the APY Lands. Therefore we will review each of the six strategic objectives of the Taskforce in the light of the comments made by following people with whom we met.

On the 29th of September, there were Alan Holmes and Leanne Liddle of the (Kuka Kanyini project at Watarru department for Environment and Heritage), Chris Larkin (Aboriginal Housing authority), Police Commissioner Mal Hyde (SAPOL) and Minister Terry Roberts (Minister for Aboriginal Affairs). On Wednesday 6th October, we further met Brenton Illingworth of the Crown Solicitors office, Attorney General's Department, Kate Lennon (Department for Families and Communities), Warren McCann (Department of Premier and Cabinet), Mark Johns (Department of Justice), Tom Stubbs, Roxanne Ramsey, Brian Dickson (Department of Health and Aboriginal Service division, Steve Marshall (Department of Education and Children's services).

With each of these senior bureaucrats we asked essentially the same questions, which were:

1. What do you think of the whole of government approach?
2. What is your particular department's view on how to advance the service delivery and self determination process for APY Lands?
3. What ideas/views do you have for the future?

It is true to say that in every case each of these senior policy makers supported the whole of government approach. The only caveat was how it took shape. Was it still to be a coordinated multilateral or bilateral approach from each of them and was the Premier's Department to be finally and clearly accountable for the delivery of all action? Most recommended this approach saying it rendered the best chance of advancing the interests of the APY Lands. As to the answers they gave for the other questions we asked, we will weave them into our responses to each of the six strategic objectives already prioritised by the Lands taskforce. We do that to both give a representative view and to ensure confidentiality which we promised each of these bureaucrats.

The first strategic objective was to increase safety in all communities on the Lands. Most specifically all this supports the strategy of a presence of seven permanent SAPOL officers on a rotating shift basis to enable a 24hr seven day a week police presence on the Lands. In most people's view this has been the most successful and visible outcome of the taskforce. This is so both on the Lands and in the minds of the bureaucrats. It raised the fascinating question as to how it has ever become so tenuous and uncertain that self determination could mean living with levels of crime, violence and insecurity unknown by any other communities in Australia. A minor chord of dissent emerged was the view that the police get whatever they want. Some of this is attributable to the Treasurer also

being the Police Minister and the law and order agenda being ascendant in the wider community. But even this minor chord of dissent acknowledges that security is fundamental to all other capacity and development issues. It is not unlike the Ramsey exercise in the Solomons and Pacific. Until there is both a respect for law and order and a level of safety that allows participation and personal development, self determination is doomed for failure.

There is still the debate between building a correctional facility or a respite facility. This has either been preempted or not resolved. In their view many Indigenous Aboriginal people, particularly males end up with prison records because of criminal activity becomes more than just a right of passage but a lasting stigma. The women who want domestic violence stopped often are asking for respite rather than criminalisation and incarceration. This is an issue that will feature in our recommendations.

The second strategic objective is to increase health and welfare services in all communities on the Lands. Again as Advisors, we agree with each of the aims and actions already developed but with the following questions. The first is that the Director of mental health services made a very brief visit and a number of commentators we interviewed believed that the recommendations didn't necessarily contextualise the full cultural impact of mental health and needs further debate and discussion. Secondly the appointment of two male health coordinators through Nganampa Health is to be reconsidered in the light of the misgivings already mentioned. Nganampa Health is extremely well resourced from Commonwealth Government as well as State. Furthermore it is very focused on particular health outcomes and unable to auspice wider service delivery that might be commensurate with its reach and financial strength. A third caveat is the place and role for the Women's Council and their support for domestic violence programs and disability programs. Because they are a cross border jurisdiction between Western Australia, Northern Territory and South Australia, the level of accountability to South Australian government funded actions and lines of clear responsibility are more problematic. The final caveat is that health and welfare services are still multitudinous with a huge number of Indigenous representatives involved on various boards. Whilst this might appear to be an exercise in participatory democracy it makes for confusing lines of accountability and cohesion. The delivery system of health and welfare services in the APY Lands needs to be rationalised and a simple, clear and sane model agreed upon.

The third strategic objective is to improve coordination of government services in the Lands. Again we agree with implementing the recommendations of the honorable Bob Collins and the Tregenza report, select committee report, university of South Australia report and other reports. It is clear that it is not the lack of analysis but some fundamental differences. The most strongly held view of the policy makers was that they believed the South Australian Government was reacting in a knee jerk way to the coronial inquest. This was because the level of suicides attributable to petrol sniffing was no greater last year than in previous years and that the press simply beat up the coronial findings making a political problem for the government. This meant that the government was seeking to identify quick programmatic responses that would neutralise the coronial criticisms rather

than dealing with the deeper issues. Most importantly this knee-jerk reaction cut across long term consultation processes of groups like the department of Health and Indigenous Affairs that had identified leadership capacity and community owned responses to deal with petrol sniffing as opposed to simply allocating capital funds to build a new facility. Yet it is a complex question of who speaks for the community. We heard pleas for a detoxification centre in the Lands which were both desperate and urgent. A comprehensive policy without a clear governance model that decides who speaks for the communities and whether there can be a collective view or whether each of the ten communities needs to be dealt with on an individual basis is urgent.

The same issue with detoxification centres extends to the stores policy and the COAG trials, which reviews the way food is ordered and purchased by stores in the larger communities on the Lands. With 30% of people on the Land suffering from diabetes, a clear stores policy that might ban fried food and coca-cola may seem a health imperative, however from a governance point of view it is often the elders and traditional owners who like their coca-cola and fried food and interfere with the way the food is ordered. Again the issue of self determination versus health outcomes and protective behaviours is in conflict.

The taskforce has rightly sought to identifying funds supporting existing programs and services including Commonwealth programs and to review relevant State and Commonwealth government programs operating in the APY Lands to identify gaps in service delivery. If in a short trip we can detect a maze of often fragmented associations, NGO's and incorporated bodies operating in the Lands to deliver services then that is exactly the same spaghetti bowl of overlapping donor processes, expectations and departments at State, Federal and Not-for-Profit level. As we struggle to understand the myriad players, terms of reference and funding proposals, it is little wonder that those in the Lands find it utterly alienating and confusing. Just as there needs to be a sane simplified delivery system in the Lands, there needs to be a similar sane simplified system of coordination of government services as the donor communities.

The fourth objective of the taskforce is to improve employment, education and training outcomes. Again we believe they have identified the major needs and responded with the appropriate program. One of the clear messages we heard is that with 29% of the South Australian Lands being in the hands of Indigenous, this is not simply a policy of Indigenous self-determination but of heritage Land management for the State. In this regard, the question of a welfare economy versus a welfare system needs to be raised. As was pointed out the Tasmanian State depends essentially on a welfare economy by cross subsidisation from other State and Federal governments. No-one really questions whether these are real jobs in Tasmania. Why cannot a welfare economy be underpinning the Lands? Then heritage and environmental jobs can be viewed as a welfare economy with the care, common nurture and protection of water holes, sites, bush burning being clearly affirmed with a status of real work. Some of the programs of camel mustering are already near a financial break even. The bio-diversity and size of the APY Lands is unique and so there needs to be a fundamental re-thinking of the way we create real jobs and classify economic activity in this area. The taskforce supports groups that seek to set up viable

pre-employment and employment opportunities linked to arts centres, tourism, horticulture, hairdressing, bakeries, car repair workshops, garages and other small businesses. However, with such remoteness, distance from markets and small population these will always be marginal. Rather it requires a paradigm shift in terms of the understanding Australia's ecological and bio-diversity needs with a long frame view of time rather than one and two year business plans for market sustainability.

When it comes to education outcomes, it is clear that teachers are the most permanent and employable presence in the APY Lands. The incentives given to attract them is a model for other departments to provide tax free employment, housing and other incentives also to work and stay in the APY Lands. Without doubt the short term coming and going contributes to demoralisation and discontinuity of programs and teachers stay the longest.

We were extremely impressed with the primary, middle school and secondary Wiltja program intervention. We also recognise that the APY Lands educationally is seeing better literacy, numeracy and educational outcomes in remote Indigenous communities than elsewhere in Australia. The PYEC network is a consultative model that is furthering educational achievement and should be replicated by other service agencies. We believe that it is this group that should participate in the decision of which communities receive the two Commonwealth funded pools for the 'no school, no pool' program. The educational area is a stand out in terms of longevity of program and personnel and appears to have the more creative approach of the department of education. Steve Marshall said to us it is a 'backyard blitz' approach which says, change the rules, form new rules in order to get outcomes that work rather than adhere to policy and politically correct theories that continue to fail.

Having said that, it is also clear that a massive challenge exists to effectively educate young APY students to a level where they might be eligible for jobs outside of remote communities. The vision of a bicultural existence made possible through education which allows a choice between an urban or regional city existence and a remote community existence is tenuous at best. Too few APY young people have educational achievements to guarantee them employment and too few see the point of education to overcome or escape the boredom and sense of being trapped on the Lands.

Strategic objective five, improve infrastructure related to essential services in the Lands. Again we affirm the direction of the taskforce. The fundamental issue here is the relative cost of providing and improving infrastructure for essential services. This goes to the question of whether the APY Lands are fundamentally viable and deserving of State and Federal funds. Naturally there are those who believe that they are not and that we are simply smoothing the pillow of a dying culture and in transition to a conclusion where we admit there isn't a sustainable remote Indigenous community at a cost that the Australian tax payer will bear. This view has on its side the reality that the older generation is still powerfully connected to their Lands and enjoys the traditional responsibilities of caring and travelling and teaching culture and lore. But their children are fundamentally disconnected from tradition, culture and lore and the petrol sniffing is simply the terminal expression of this profound dislocation and disconnection. Elsewhere in Australia if a

job, lifestyle and community are not working for one's children, then you move. Of course this is unthinkable for many of the older generation on the Lands. However, at the moment thankfully, there are few voices saying abandon the APY Lands. The resolve of the Taskforce and its' transition to the Premier's department with a whole of government approach, signals that, improved infrastructure relating to essential services, is a non-negotiable commitment. In truth, government will have to continue to manage the voices of criticism about the cost of maintaining essential services to 2,400 Indigenous people on 106,000 sq kilometers. In doing so, it needs to continually hose down the knee jerk expectations of value for money and investment. It is at this level that the Premier himself will need to identify with the whole of government commitment to the APY Lands.

Key Recommendations:

Our key recommendation furthermore, is to place a person in the Lands who can unblock service delivery, mediate family/clan disputes and clarify governance confusion with the full mandate, legitimacy and direct access to the Premier is required. Without the full legitimacy of the office of the Premier, the various silos of government departments and petty clan bitterness, will subvert the coherent authority to manage essential services at a level that will both protect lives and give minimum standards for Lands occupants. This person needs to live on the Lands and be the honest broker desperately needed. She/he should report directly to the head of the Department of Premier and Cabinet. They must have powers like an ombudsman to range across every department area with access and power to intervene and unblock resources.

The final strategic (objective six) is to develop an effective governance model for the APY Lands. In short this is the greatest challenge and the most difficult challenge. Already a bill has enabled fresh elections with a new chair of the APY Lands. In democratic theory, this should provide a new mandate without the defects that saw the Commonwealth government stop funding and withdraw support from the former Executive. However, the probability that language groups have been instrumental in this election, fuelling unresolved bitterness, will require a person on the APY Lands with both the mandate of the Premier and the respect of the community to mediate differences and help people move on and through their disappointment and personal hurt.

Secondly the review of the APY Land Rights Act along with all other relevant acts and local government models is the critical piece of intellectual and policy work. There are those who believe the APY Lands Council is the right governance instrument through which all of government funding can flow. They say it just elects the wrong people! Others believe there needs to be a clear demarcation between the APY Lands Council which should only deal with mining companies, grant permits and deal with matters strictly pertaining to Land as opposed to a separate peak body for welfare and service delivery. Whatever the model finally resolved upon, it needs to clearly demarcate role, rights and resources. Until now the confusion of the model has been its' worst enemy intensifying bitter clan and family disputes and the worst governance practice that damages community morale.

World Vision Australia would need to be appointed by the Premier with proper authority and appropriate funding to act as a capacity builder in the APY Lands. Lowitja O'Donoghue would continue on as Advisor to the Rann Government on negotiated terms.

Finally, whilst the whole of government approach is supported, there needs to be a forum where some of the large philosophical issues can be debated.

These include:

1. What does self determination actually mean and what model for self governance best flows from that?
2. What are the realities for a hunter- gatherer nomadic culture that has lost this mainstay and is gradually transitioning to a remote community where the arts, music and sport are the only opportunities for commerce? Is it a welfare economy?
3. What is a sane delivery system on the ground in the APY Lands with a reciprocal sane donor system with short communication lines?
4. And most pertinently how are the issues of long term partnership and consultation, capacity and community building to be reconciled to the political imperatives of further coroners' reports and the requirements for immediate and quick relief?
5. If we cannot crisis-manage long term, what is a sustainable strategy?

We would recommend a couple of day's facilitated discussion and debate to work through these issues in order to give the whole of government approach a greater chance of success.

Tim Costello
Chief Executive, World Vision of Australia

Signature: _____

Date: _____

Prof Lowitja O'Donoghue AC CBE
Professorial Fellow to Flinders University

Signature: _____

Date: _____