

**Submission  
No 53**

## **INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE**

**Organisation:** Jumbunna Indigenous House of Learning  
**Name:** Ms Ruth McCausland

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19 February 2008

The Chair  
Standing Committee on Social Issues  
Legislative Council  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Chair,

**Re: Inquiry into Closing the Gap: overcoming Indigenous disadvantage**

Thank you for your invitation to contribute to your Committee's inquiry into overcoming Indigenous disadvantage. This submission from the Research Unit of Jumbunna Indigenous House of Learning sets out a number of important principles and refers you to key findings in a number of our publications that are relevant to the terms of your Inquiry.

**1. Evidence-based policy**

Indigenous policy has been significantly shaped by ideology at the expense of evidence of what actually works in addressing disadvantage experienced by Aboriginal and Torres Strait Islander peoples. The Commonwealth Government intervention in the Northern Territory, referred to in Term of Reference (d), provides a recent and regrettably useful example of failure to base a policy strategy on such evidence

In many ways, the NT intervention is a textbook example of why government policies fail Aboriginal people: the policy approach is ideologically driven rather than making reference to the considerable research on what actually works on

the ground; the rhetoric of acting in the best interests of Aboriginal people, or children, masks a broader policy agenda unrelated to the ostensible focus of policy; the approach is paternalistic and top-down rather than collaborative (see Larissa Behrendt, 'The Intervention We Had to Have').

### **1(a) Participation of Indigenous people**

It is instructive to look at research in Australia and North America that has detailed that better socio-economic outcomes are achieved when Indigenous people are integrally involved in the setting of priorities within their community, the development of policy, the delivery of services and the implementation of programs (see attached: Larissa Behrendt, 'The Emergency We Had to Have'; 2007 Mabo Oration; Sean Brennan, Larissa Behrendt, Lisa Strelein, George Williams, *Treaty*).

Indigenous aspirations regarding governance of their communities are important to consider when seeking to address disadvantage and disempowerment. We draw the Committee's attention to the attached article: 'The Promise of Regional Governance for Aboriginal and Torres Strait Islander Communities', which canvasses legislative frameworks as vehicles for Indigenous aspirations to regional governance, including the *Aboriginal Land Rights Act 1983 (NSW)*.

### **1(b) Adequate funding**

There is significant underfunding of basic Indigenous health services and housing needs. Government policy has tended to focus on the symptoms of disadvantage in Indigenous communities rather than the underlying causes, providing funding for short term reactive programs rather than innovative long term planning and commitment. Research and reports into the high instances of violence and abuse in some Aboriginal communities consistently point to the fact that cyclical and chronic poverty, including poor health and poor living conditions, contribute to the breakdown of the social fabric in communities (see attached: Larissa Behrendt, 'The Emergency We Had to Have').

### **1(c) Successful Indigenous organisations**

Successful Indigenous organisations have been identified as key to reducing Indigenous disadvantage. Professor Larissa Behrendt was Chair of the Steering Committee for the Australian Collaboration's recent study into Success in Aboriginal Communities. That study made a number of recommendations regarding the way that governments can facilitate success in Indigenous organisations – namely in relation to accountability, funding, staffing, communications, morale and private sector and non-government alliances with Indigenous organisations (See attached: Australian Collaboration, *Organising for Success: Policy Report*, pp. 48-50).

### **1(d) Importance of land**

There is emerging research that indicates that Indigenous people who regain ownership and control of their traditional lands enjoy improved health. We draw the Committee's attention to the attached article by Nicole Watson, entitled 'Implications of land rights reform for Indigenous health'.

## **2. Human rights approach**

There has been a tendency by policy makers and commentators in Indigenous affairs to create a false dichotomy between the rights of Indigenous people and socio-economic issues such as health, education and housing. Socio-economic disadvantage cannot be adequately dealt with without policy and practice that acknowledges and respects the human rights of Indigenous people. This includes those rights that all individual Australians should enjoy – including the principles of non-discrimination on the basis of race and the right of self-determination.

It also includes the distinct collective rights of Indigenous peoples in relation to their land and culture. Government policies and programs have tended to focus on short-term and often short-sighted strategies and outcomes as solutions to

Indigenous disadvantage, seemingly with little consideration of social and cultural rights, or the particular historical experience of denial of rights of Aboriginal and Torres Strait peoples.

## **2(a) UN Declaration on the Rights of Indigenous Peoples**

The United Nations Declaration on the Rights of Indigenous Peoples was adopted by the United Nations General Assembly in September 2007, and the Australian Government has recently committed to becoming a signatory. It contains clear international standards against which government policies can be designed and assessed. Key principles contained in the Declaration are those of non-discrimination rights, self-determination (including autonomy and participation rights), cultural integrity, rights to lands, territories and natural resources, and other rights relating to socio-economic wellbeing. A briefing paper on the Declaration commissioned by Jumbunna is attached.

## **2(b) Legal protection of Indigenous rights**

Aboriginal people remain vulnerable to misguided and discriminatory government policy due to a legal framework that provides no baseline human rights protections in Australia. This was highlighted by the Commonwealth Government's suspension of the *Racial Discrimination Act 1975* as part of its Northern Territory intervention legislation (see attached: Larissa Behrendt, 'The Intervention We Had to Have' and Larissa Behrendt, *Achieving Social Justice*).

## **3. Federal Government Intervention in the Northern Territory**

We draw the Committee's attention to Professor Behrendt's chapter from the 2007 book entitled *Coercive Reconciliation: stabilise, normalise, exit Aboriginal Australia* on the intervention. Attached also is an Issues Paper by Ruth McCausland that sets out the international human rights principles relevant to the Commonwealth Government's Northern Territory National Emergency Response Legislation, which is relevant to Term of Reference (d).

#### **4. Murdi Paaki**

We note that 2(f) of your terms of reference refers to the COAG Murdi Paaki trial. Jumbunna has auspiced significant research from Sam Jeffries and George Menham on the Murdi Paaki Regional Assembly. This research focuses on the fundamental aspect of empowering Aboriginal and Torres Strait Islander people to manage their own wellbeing – participation in government decision-making – using Murdi Paaki as a practical case study. We attach a recent Journal of Indigenous Policy that looks at the history of the Murdi Paaki Regional Assembly and a discussion paper that reflects on the lessons learned from the Murdi Paaki Regional Assembly experience.

Please do not hesitate to contact us if the Committee would like us to elaborate on or clarify any aspect of our submission. If the Committee wishes to gather more information on the Murdi Paaki Regional Assembly, they could contact Sam Jeffries and George Menham directly.

Yours sincerely,

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