



AUSTRALASIAN STUDY OF PARLIAMENT GROUP

Northern Territory Chapter

PAPER TITLE: *Crisis or Opportunity?
Indigenous Governance in the Northern Territory*

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SESSION THEME: Indigenous Peoples and Governance:
Participation, Partnerships and Process

PRESENTATION DATE: Saturday 19 July 2003

Annual Conference
18-19 July 2003
Darwin Northern Territory

Parliamentary Government Under Threat?
Contemporary Challenges to Liberal Democracies

CRISIS OR OPPORTUNITY? INDIGENOUS GOVERNANCE IN THE NORTHERN TERRITORY

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Parliamentary Government under threat? Contemporary challenges to liberal democracies.
Australian Study of Parliament Group, 25th annual conference
Northern Territory Parliament 18-19 July 2003

Madam Speaker, ladies and gentlemen.

Many of you here today—coming as you do from outside the Northern Territory—will be unfamiliar with the sort of jurisdiction you find yourself in, and how different it is.

This is not just an issue of a place such as the Territory being very large—one sixth of the nation's land mass—nor even the fact of us having such a small population—little more than 200,000 people.

Nor is it, particularly, the fact that as a territory we do not operate with the same constitutional status as the states—after all we share that with the nation's capital.

No, what sets us apart is the fact that around 29 per cent of the population is Indigenous, and that of these, some 72 per cent live on Aboriginal-owned land—for the most part in rural and remote areas. And this proportion appears to be increasing. By 2011 the Indigenous population of the Territory is estimated to reach 32 per cent, and there is little evidence to suggest the proportion of people living in the bush will decrease.

There is nothing idle in pointing out the large percentage of people who do live out bush. It has enormous effects on the future of the Territory, as I will outline.

- The current situation will only be amplified and compounded by projected population growth in part due to the youthful age profile. At Wadeye alone there are 1500 people under 25 out of a total population of 2,250.
- There is wholesale disengagement from the mainstream economy. In the Territory, Indigenous people currently account for 25 per cent of all adults, but the Indigenous share of total income is only 11 per cent. The Indigenous share of total income from employment (excluding CDEP) is only 4 per cent.
- The current unmet housing needs of Wadeye and Maningrida alone are equivalent to the number of houses destroyed in the Canberra bushfires. While the Canberra fires were regarded as something of a national calamity, the ongoing and seemingly intractable crisis in Indigenous housing goes

largely unremarked. While the houses in Canberra are likely to be re-built within a couple of years, at current levels of resourcing, Indigenous housing needs in the Northern Territory will **never** be met.

- There has been a consistent failure to focus and design government policies and programs that effectively respond to realities at the local and regional levels.
- No real attention has been given to sustaining effort and commitment over the longer term, with many programs and initiatives being stop-start affairs, with little thought to sustainability.
- The continuing prohibitive costs of administration as against actual delivery through a plethora of discrete programs within and between government agencies further hinders any chance of advancement. There is little attempt to coordinate activities between the Commonwealth, territories and states, and even less effort being made to act in concert with broad Indigenous support.
- The lack of engagement between the banking and financial services sector and Indigenous people represents a fundamental barrier to welfare reform. How can we even talk about Indigenous economic development, for example, when most people in Aboriginal remote communities can't even access a normal bank account?
- Finally, there remains a clear lack of priority or understanding of the importance of governance in the Indigenous context and its critical relevance to enabling economic development.

Why is this?

There is now greater Indigenous representation in local, state/territory and Commonwealth governments than ever before. For example, there is now a record number of Indigenous people in our parliaments. Of the 16 people who have ever served in parliaments, eight are currently incumbent, with four here in the Territory.

Indeed, this must be the first time in the history of the Australasian Study of Parliament Group you have been addressed by two Aboriginal parliamentarians.

And in the Northern Territory, with the Aboriginal Land Rights Act, Indigenous Territorians have the capacity—or at least the potential—to exert political and economic power over some 44 per cent of the Northern Territory's land mass.

This Act, among other things, allows Aboriginal people considerable power to control over developments on their lands.

Yet none of this is a cause for celebration while there is a deepening crisis in Indigenous governance amongst our communities. Indeed, if unresolved, we are likely to see further social dysfunction in these communities.

As I said in March last year, we ‘risk the creation of a permanent underclass for which future generations, both Indigenous and non-Indigenous, will pay potentially overwhelming economic, social and political costs ... and the Northern Territory will cease to function as anything other than a financial basket case’.

Much has been made over the last 30 years about the model of self determination in Indigenous governance. With the election of the Whitlam government in 1972, Aboriginal affairs policy was transformed in a very short time, with self determination as the centrepiece of Aboriginal organisation and governance.

However, there is now widespread acceptance that government in many critical areas abandoned communities during this era. In moving from native welfare models of administration to self determination, governments ignored the need to build the capacity of Aboriginal communities to take on new responsibilities.

There was virtually no transfer of skills and capacity to run individual communities then—and the collapse of literacy and numeracy over the last three decades has led to greater dependency than ever on non-Aboriginal people on most communities.

In many ways, it can be argued that this period saw Aboriginal people in the Territory being dumped on a political and economic fringe camp, with all the social and cultural costs that resulted.

It has nothing to do with the early '70s promise of land rights—so often wrongly blamed for disadvantage: Aboriginal people in the Territory were economically and politically sold out years before the first land claim was ever heard, let alone granted.

Government hasn't just failed over the last three decades to facilitate the promise of self-determination, it has presided over increased levels of dependency coupled with static or deteriorating outcomes in key areas of health, education, training and employment. Accompanying this has been a complete abrogation in the area of sustainable economic development in the Indigenous domain

Ideas of Indigenous governance and self-determination have been closely linked in the imagination of Indigenous people. However, they have largely

failed to come to fruition in any effective form because of a lack of capacity by most Indigenous groups to assert self-governing power; a lack of effective institutions that govern openly and fairly; and a lack of culturally appropriate structures.

It is for these reasons that the promise self determination has largely been hollow.

The Harvard Project on American Indian Economic Development has identified three factors critical to economic development.

First, people must have both capacity and willingness to assert self-governing power over their own affairs and resources.

Second, people must have effective and productive governance institutions. Of greatest importance in this context is the need for transparent and fair dispute resolution mechanisms and effective administrative systems.

Third, the governance mechanisms of organisations must have culturally appropriate forms. This means that the ways people are governed must match Indigenous ideas on how power should be exercised.

The most crucial conclusion of the Harvard's Projects work is that without these three characteristics, chances of economic development success diminish. That is, there are clear links with properly and effectively exercised self determination and Indigenous economic development.

Therefore, the fact that governments refused 30 years ago to properly resource effective governance through effectively exercised self determination, has been a direct cause of the economic plight faced by the vast majority of Aboriginal communities in the Northern Territory today.

It is clear Indigenous governance must be radically re-appraised if we are to avoid looming catastrophe, especially in remote areas of the nation. From the point of view of government, we must look to strategies that move away from narrowly localised governance and service delivery models towards regional governance. At the heart of this, government must recognise that partnerships with these emerging regional institutions must be open and transparent, with the responsibility to be accountable for its actions to Indigenous peoples.

It is for this reason that the focus of the Martin Labor government must be on the very rural and remote areas that were by and large abandoned three decades ago. It is for that reason, we must build stronger regions if we are to realise stronger futures for all Territorians.

To achieve this, we have abandoned the myth that the discrete community can be regarded as a viable unit in terms of service delivery in the Northern Territory

There is a completely false view that Aboriginal communities, from outstations and pastoral excisions, to larger communities and townships—through indeed to inhabitants of towns and cities—exist in splendid isolation from each other.

It is a view based on colonialist notions encouraged by the days of the mission, the settlement and the pastoral property. It is an idea designed to divide Aboriginal people from their lands, their languages and their ceremonial connections.

It is an ideology that deliberately denied the fact that Aboriginal people of what is now known as the Northern Territory have always worked together—socially, culturally and economically—as a series of overlapping and interconnected regions.

It is for this reason that we in the Northern Territory are moving service delivery—including the support of governance mechanisms—away from individual communities that have neither the capacity or resources to manage the complexities involved in areas such as health, education, local government and economic development.

Instead, we are looking to dispersed regional structures both for governance and service delivery that will take into account traditional regional structures.

The idea of looking at the Northern Territory as a series of regions—both overlapping and interconnected—for service delivery is not one borne of bureaucratic whim. It is based on an understanding of the reality of the Northern Territory's population—which is remarkably decentralised and dispersed on the basis of traditional affiliation to lands.

Uniquely, the Northern Territory is a jurisdiction that reflects—in large part—pre-colonial boundaries, rather than notions of the individuated, isolated, community, disconnected from the region in which it exists.

Regions—however defined, and for various purposes—have always been a feature of organisation for Aboriginal peoples of the Northern Territory.

So service delivery at the level of the individual community is not just stupid on the basis of cost efficiency or economic rationalism, it is just plain silly in cultural terms.

Dispersed self governance across the regions has a number of critical advantages.

Firstly, different “nodes” of political organisation which can satisfy different interests can develop across regions that are unlikely at the level of small communities. The development of regional service delivery for health, for example, is likely to allow women renewed and enhanced capacity to exercise governance functions than is very often the case.

Second, it allows the achievement of a critical mass of competent, professional service delivery personnel with proper support and guidance.

Third, it will enhance informed engagement of communities in decisions about what kinds of services are appropriate and how and where they will be delivered.

Fourth, there will be greater accountability on the part of communities for the decisions and the demands they make on service delivery organisations.

And finally, it will avoid the money for the delivery of services being wasted on administration and duplication.

It is for this reason we are moving to allow the establishment of Regional Authorities in the Northern Territory as forms of governance that **can** work towards properly exercised self determination—and hence greater economic independence.

This follows the establishment and roll out of the health zones as regional Primary Health Care organisations.

Inherent in the idea of Regional Authorities—and indeed in self determination—is that there will be greater autonomy in the regions than might normally be contemplated in other state jurisdictions.

Which brings me back to where I started in discussing the differences between the Northern Territory and the other states and ACT.

The fact of having such a large Indigenous population, based mostly on Aboriginal land, presents considerable challenges for conventional ideas about democracies—especially as we move towards Statehood.

Firstly, autonomy at the local regional level will see more than the exercise of “normal” local government functions. It will also be heavily influenced by the interests of traditional owners and custodial groups.

Secondly, the exercise of autonomy at the regional level is unlikely to be channelled through a single organisation, and more likely to be exercised through different—sometimes overlapping—groupings, such as health, education, local government, land management, cultural protection and economic development.

Third, the kinds of organisations that develop may not adhere to forms of “one person-one vote” institutions that we have grown accustomed to in non-Indigenous Australia. Again this goes back to the importance of “cultural match” in achieving effective Indigenous governance. For example, in one area of the Territory moving towards a Regional Authority, constituencies are based on membership of Dhuwa and Yirritja moieties as well as age groupings. Moreover, smaller and larger communities are represented equally on its executive, rather than apportioned according to population size.

And this of course presents challenges to our parliament here in the Northern Territory.

In some areas we are legislating for regional governance models over elements of service delivery often regarded as the monopoly of the states under the Australian federal system, such as Primary Health Care.

In some areas we will legislate for governance models which differ culturally from Western democratic models, such as representation on the basis of traditional ownership of land (Wadeye) or cultural structures (Nyirranggulong-Mardrulk-Ngadberre).

Let there be no mistake about it—it will not be easy, but it is the belief of our government that to continue the way we have over the last 30 years will be a recipe for disaster.

More of the same equals more of the same, and for that reason is unacceptable. The continued crisis we face must be replaced by new opportunities for Indigenous Territorians. We will not achieve different outcomes by continuing with existing models and approaches.

We are disentangling 30 years of failed policy and practice. In doing so, we will encounter obstruction, and we will receive setbacks. And there will be opposition.

We also acknowledge we are limited in what we can achieve in the short term. Part of the enduring legacy of these decades of lost opportunity has been the malign neglect of resources being diverted away from Aboriginal development in favour of confrontation and neglect.

Not only do we face a human tragedy, but the opportunity costs of this neglect in the fields of health, education and governance capacity can be directly measured in the lack of employment and enterprise on Aboriginal communities, and the poverty so many Indigenous Territorians experience. It will take time to turn this around; and time to accumulate the resources needed to overcome this legacy of neglect.

But it must be done.

Thank you.