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Submission to the Open Government Partnership consultations.
Fred Chaney and Bill Gray
23 March 2018

Thus submission follows oral contributions by Fred Chaney to the public consultation held in Perth on 16 March 2018. It is primarily relevant to the consultation theme of civic participation although it also refers to the themes of digital transformation and public service integrity.

The successful development of policy in Indigenous Affairs and its subsequent administration is dependent on the participation of the Aboriginal people themselves. At a theoretical level at least this is not a contested proposition.

For the past 4 years, since the Abbott budget of 2014, the Coalition Government has made much of its desire to engage with Indigenous communities to ensure that they are participating partners in the design and implementation of policies and services delivered in support of Indigenous peoples.

In his most recent speech delivered on 12 February 2018, outlining the progress, or otherwise, of the COAG Closing the Gap targets, the Prime Minister asserted that:

“We are doing more to use local expertise to design solutions to local problems and our best example of that is Empowered Communities. We are hopeful that through the Closing the Gap refresh process, this model can be expanded beyond the existing eight sites to more communities seeking to work in a place-based regional governance approach and one that meets criteria set by the Empowered Communities leaders.”

Far from devolving decision making to the regional and local levels of government, in practice we have witnessed an ever-increasing centralisation of the administration of Indigenous Affairs to the point where there is a yawning chasm between the stated intentions of government and the reality of its implementation on the ground. The gap between rhetoric and practice is in need of immediate attention if genuine participation in both design and delivery of services is to be attained.

There are systemic obstacles to achieving that civic participation and changes are required including to accountability frameworks, to what authority is delegated to public servants and to their duty statements. This is clearly illustrated by the known factors in successful programs and in whole of government approaches to dealing with wicked problems generally and Aboriginal issues in particular.

The Productivity Commission sets out in its reports (Overcoming Indigenous Disadvantage 2014, 2016) what are the preconditions for success:

- *Cooperative approaches between Indigenous people and government – often with the non-profit and private sectors as well.*
- *Community involvement in program design and decision making – a ‘bottom up’ rather than ‘top down’ approach.*
- *Good governance – at organisation, community and government levels.*
- *Ongoing government support – including human, financial and physical resources.*

It observes that the lack of these factors can often contribute to programme failures
Note that all these identified preconditions directly require civic participation.

The Productivity Commission has also affirmed the following programme principles:

- Flexibility in design and delivery so that local needs can be taken into account.

- Community involvement and engagement in both the development and delivery of programmes
- The importance of building trust and relationships
- A well trained and well-resourced workforce, with emphasis on the retention of staff; and
- Continuity and coordination of services.

Few, if any, authorities would challenge the PC analysis. Wicked problems, problems affecting people which are multi factorial such as health, education and employment, do not admit to solutions which do not involve the participation of those for whom the program is established. We do not know any Indigenous communities or individuals who would claim that their experience of dealing with government has been in line with those preconditions.

The Commonwealth has itself acknowledged the interconnectedness of the problems it seeks to address and has at times concluded whole of government approaches are required. Two Management Advisory Committees (MAC) have described the changes in organisation and processes that were essential if whole-of-government was to work. This included five basic imperatives:

- *Substantial initial cross-agency/stakeholder agreement about the broad purposes to be pursued;*
- *Use of the outcomes budget framework to pool resources and to create appropriate accountability frameworks;*
- *Lead-agency staff empowered with sufficient authority to manage whole-of-government settings and to lead the engagement of local stakeholders;*
- *Empowering these same managers to engage with relevant individuals and interests;*
- *And finally ensure the individuals engaged in these latter roles have the appropriate networking, collaboration and entrepreneurial skills.*

Note that this is an internal high level Commonwealth assessment, not some external critic - these are the people with administrative skin in the game. In our view these imperatives are not ever met. (More detailed and authoritative academic and bureaucratic views on the failure of whole-of-government initiatives are set out in the supporting material to the remoteFOCUS report “Fixing the Hole in Australia’s Heartland” which can be found on the Desert Knowledge Australia [website](#).

Again, note the requirement for civic participation in the third and fourth dot points above.

Genuine civic participation involves more than public servants talking to people. Those conversations have to be part of a legally mandated process of participation that admits to the possibility of real changes in policy and administration that make it locally relevant and effective. Changes to authority, delegations and accountability provisions are required to action the stated intentions of the Government in this regard.

Localisation and regionalisation of the kind that is fundamental to the empowering of Indigenous communities and which is now being voiced by the current government, will necessitate administrative structures and mechanisms to be put in place to facilitate direct participation and decision making by Indigenous communities and organisations in partnership with governments. The structures that are put in place must enable Indigenous people to identify their own legitimate needs and negotiate with governments the priorities and desired responses that reflect their own circumstances and on-ground realities. Such structures and mechanisms have yet to be identified and remain more the subject of rhetoric than substantive practice.

Digital transformation.

While technology and communications have been the subject of massive advances in the past decade, it is still the case that communities in remote Australia continue to remain isolated and without access to even the most basic communications.

It is instructive to read the transcripts of the recent Senate Inquiry into the Community Development Programme (CDP). The Senate Committee was given examples of the trials and tribulations of community

members trying to use the one public phone available to them and be subject to interviews conducted by far away officials to meet the obligations and demands of Centrelink to avoid financial penalties.

Public Service integrity

Transparency and accountability go to the heart of establishing trusting relationships between governments and Indigenous communities. While this principle is often cited by government as a valid and necessary objective, the outcome is often one of under achievement. The mechanisms of accountability provided by Parliament, such as Senate estimates, parliamentary reviews, ANAO or ombudsmen reports, or commissioned independent evaluations seem rarely to result in substantive action.

Dr. Martin Parkinson, Secretary of the Department of Prime Minister and Cabinet has said “A high proportion of what we fund has, at best, a weak evidence base of how it is improving the lives of Indigenous Australians. And if that evidence tells us otherwise, we must change our approach” ([Dungala Kaeila Oration](#), 2016).

The Government has now earmarked some \$40 million to increase the number of evaluations over the next 4 years. In taking this path the government must commit to keeping the Indigenous people informed of the design and conduct of all evaluations undertaken and be open to making public the findings and recommendations contained therein.

The appointment of an Indigenous Commissioner to the Productivity Commission is also imminent although it has been 12 months since the decision was announced.

Over the past two decades, there have been literally hundreds of reports, assessments and evaluations of Indigenous programs conducted by government agencies and by ‘independent’ consultants employed by the government, the results of which have disappeared into the sands of time. Any learnings that might have been generated from those exercises has, in large measure, also been lost.

It is our contention that of the hundreds of reports concluded over this period, none have been directed at assessing the governance of government. It is apparent to those who work at the coal-face and who are required to interact with governments, that the lack of government capacity, coordination, transparency and accountability has contributed to the parlous state of Indigenous affairs, particularly in remote Australia. The new emphasis on evaluation will need to apply to the performance of governments and how they go about their business, as much as it will need to assess the governance of communities and organisations in the delivery of programmes designed to address and enhance the wellbeing of the Indigenous peoples of Australia.