

Submission

Queensland Productivity Commission

Service delivery in remote and discrete Aboriginal and Torres Strait Islander communities

By Jim Turnour Phone: 0409 093420 Email: jim@jimturnour.com.au

Note: The views in this submission are made in a personal capacity and should not be attributed to any other person or entity.

Comments on Inquiry summary report

Indicators are better in the Torres Strait

The Torres Strait also differs from the mainland in that the discrete communities reflect the original island populations. People always lived on these islands. They aren't like mainland mission communities where a range of tribal nations and clan groups were forced together often from disparate parts of Queensland. In the Torres Strait people have remained physically connected to land and sea country throughout the process of colonisation.

Improving service delivery outcomes

Services need to be well planned and coordinated and delivered by organisations with real roots in the community. As the summary report points out the systems is characterised by administrative silos.

Competitive tendering and contracting is now ideologically imbedded in government departments as the way that services and infrastructure should be delivered. This reduces accountability to communities as departmental managers simply focus on running a competitive process rather than the outcome that could be achieved by a more thoughtfully planned and integrated service in the community. When programs fail they can always point to the process which is considered sound in the dominant neoliberal new public-sector management paradigm.

Many community based organisations and businesses just don't have the capabilities or capacity to tender and are locked out of what is supposed to be a competitive process. While departments don't see it as their responsibilities to build capacity or capability. Most senior managers in Departments are non-Indigenous and life may be a lot simpler dealing with another non-Indigenous NGO manager with an organisation culture, capabilities and capacity more aligned to the departments.

Competition imbedded in purchaser provider models needs to be a tool not an ideology. It needs to be applied within a well-planned and coordinated service delivery framework. Departments need to be held accountable for outcomes not process.

From my experience regional and grass roots staff tend to understand this better. Power and decision making however, around resource allocation sits to a large extent in Brisbane and Canberra where Senior Executive Service Management are divorced from the realities of service delivery and the life of communities.

Reform Agenda Proposal

The flipping of the agenda to be driven by communities is good in principle. Implementation however, always tends to be the stumbling block. A similar model was proposed following the Fitzgerald Inquiry when negotiation tables were established by the Beattie Government. Consultants were employed to develop community plans. Government departments however, kept doing what they had always done to a large extent.

Power rest with resources and taking the resources and placing them in a pool funding model may be one way to drive change. Pulling money out of departmental base funding however, will be difficult.

The funding and resourcing arrangement proposed also suggest a regional body. In Cape York Peninsula increasingly, Aboriginal people want to return to a subregional structure not have the Cape York Organisations control the agenda. The empowered communities model is designed to increasingly see decision making around resource allocation devolved to a subregional level. What is meant by region should be more clearly defined in the report.

The terms of reference for the report are focused on communities which tends to suggest a focus on the old mission communities. Native Title however, has created significant rights and interest in land and returned some land to Traditional Owners in the form of Aboriginal Freehold. Community plans and regions should include this broader landscape in planning not simply focus on the old mission communities and DOGIT trust lands.

Yalanji people for example now have interests in lands between Port Douglas and Cooktown. Aboriginal people living in discrete communities in Mossman and Wujal Wujal want to be able to reconnect and leverage economic opportunities from these rights and interest in land and sea country. Community plans need to incorporate these broader interests, not simply focus on all the problems in the old Mission communities.

Support for Economic and Community Development

Agree with the points highlighted in this section. Make the following specific comments in relation to land administration.

Comments on questions in seeking further views:

Building capacity

Does the range of training options available for communities and the public sector sufficiently match what is needed? What impediments exist to access formal training programs and other methods for building capabilities? Do mechanisms for building capabilities need to be better resourced?

When seeking to employ Indigenous people many have tickets but limited experience. Training and development needs to be linked to employment or community development programs. Training on its own can be driven by providers rather than demand by participants.

Economic and community development

The inquiry has looked at several development issues that are not discussed in the body of the report. These issues include:

- business formation and enterprise structures in relation to tax

No comment.

- Prescribed Body Corporates (PBCs) and their role in development

There is a large focus on supporting land reform in discrete communities but there are many economic opportunities in native title lands outside of the DOGIT lands. Jabalbina Yalanji Aboriginal Corporation for example has significant areas of land returned for economic and social development. There are opportunities to create jobs and livelihoods for Aboriginal people living in these discrete communities on this country if land reform could be achieved.

- access to finance and mechanisms to accumulate wealth in communities.

There is an inability to raise finance from land because of the barriers to tenure security.

These tend to be issues where Australian Government policy is active. The Commission is seeking further input from stakeholders on the role of Queensland Government in relation to the issues:

- are there Queensland Government policies that impact on these issues? If so, how?

The Queensland Government provides the framework for local government planning schemes. These don't recognise Indigenous aspirations. The Douglas Shire Council working with Jabalbina has introduced a new planning framework called Return to Country plans to try and overcome these limitations.

Aboriginal people tend to have land returned as large lots. They wish for these to be subdivided and allow community development. State Planning Policies restrict development because they place hazard layers over the entire lot (e.g. fire, flood etc.) that must be addressed even if development is only planned in a small section of the lot.

The Queensland Government through the Wet Tropics Management Authority limits development on significant areas of land held in trust by Aboriginal people. Because much of the landscape has been developed by settler communities' areas being returned to Aboriginal people have high conservation values. Aboriginal people are being forced to limit development on lands returned to them which can perpetuate the injustice.

- are the impacts supportive of, or impede development?

Impede development

- if they impede development, what could be done about it?

There needs to be significant investment in master planning on lands returned through native title determinations. This will enable these planning issues to be worked through and Indigenous people to achieve long held aspirations to return to live and work on country.

Further input is also sought on:

- the challenge of increasing local employment in government service provision, in particular, practical proposals to both open up more positions to locals and assist locals in being ready for the opportunities

See comments in first section about competitive tendering locking out local organisations. Where services and construction contracts can be delivered by local organisations in discrete communities or on native title lands they should be given the opportunity to deliver the services and infrastructure. Where there is a lack of capacity then this should be built.

- impediments to change in communities and the relationship to government policy and service delivery design.

Community priorities are often different to government. The new framework would go some way to addressing this through community planning and pooled funding.

The Commission is seeking further views on how the administration of land in communities could be improved. In particular:

- Are there functions in the land administration system that would be better placed under community control—for example, would there be benefits from moving some of the functions currently performed by the Remote Indigenous Land and Infrastructure Program Office (RILIPO) to community control?

PBC/ Land Trusts need to be resourced to enable them to better administer and develop land held in trust. Aboriginal People wishing to undertake development must navigate through a complex legislative and development process including:

1. Native Title Act 1993
2. Queensland Aboriginal Land Act 2003
3. Queensland State Planning Policies and associated hazard and other mapping layers
4. Local Government Planning Schemes and Development Application processes
5. Wet Tropics Management Plan 1998
6. Vegetation Management Act 1999

PBCs / Land Trust and their Aboriginal membership lack the capacity to navigate this complex development process before we even consider the complexity of financing development on Aboriginal Land.

There are planners in the private sector that can undertake functions performed by the program office and funding PBCs/ Land Trust to undertake master planning would enable greater community control. The program office should be a service provider to a community and traditional owner driven agenda.

- What arrangements might assist the merging of native title and land tenure interests?

The focus should be on strengthening governance of PBCs and Land Trusts initially to support good decision making about land and native title. Too often organisation have been established but not supported to develop strong governance. Ideally land trusts and native title should be held by the same entity to streamline the tenure and development processes. The DNRM land transfer processes under the Aboriginal Land Act 1991 and Native Title process funded through the Australian government don't always align. The DNRM process should have greater regard to native title process in decision making about land. Where PBCs exist, they should be the first preference as land holding entities.

Thank you for the opportunity to comment on the summary report. I wish you luck with finalising the report and hope that the finding can be implemented to improve service delivery.