



Submission on the development of a new national indigenous representative body

October 1 2008

Congress has carefully considered the information and analysis contained in “Building a sustainable National Indigenous Representative Body – Issues for consideration An Issues Paper prepared by the Aboriginal and Torres Strait Islander Social Justice Commissioner, in accordance with section 46C(1)(b) of the Human Rights and Equal Opportunity Commission Act 1986 (Cth)”.

Drawing on this paper and the extensive experience of Central Australian Aboriginal Congress we have developed this submission which contains an outline of our thoughts on this critical area for the health and well being of Aboriginal people. Congress understands that these ideas need further work and if these concepts are accepted we would be prepared to do the necessary work to fully detail our proposals. Congress believes that the issues involved in this development are complex and require more time for consultation with Aboriginal people based on a model or models that could come out of this initial consultation process.

Congress believes that the new national indigenous representative body and supporting structures need to address the following key issue for the advancement of Aboriginal people and our health.

1. There needs to be strong “bottom up” Aboriginal controlled regional participation
2. There needs to be effective coordination and partnerships between different levels of government and the Aboriginal community controlled sector both within and between sectors
3. There is a need to be able to hold government departments and Aboriginal organisations to account and ensure everyone is delivering against national sector specific plans with key performance indicators and specific timelines. This will require the capacity for quality research to ensure the capacity to effectively monitor and evaluate all government and private sector programs for their impact on Aboriginal health and well being. In order to ensure accountability to a broad Aboriginal constituency there will also need to be publication and dissemination (reporting) of meaningful and timely evaluative data
4. There is a need to ensure the absolute separation of policy and advocacy functions from the funding of programs and services. All new representative bodies should not have the responsibility for funding programs and services.

5. There needs to be the capacity to ensure that the Aboriginal representative structures have the research and policy capacity to develop evidence based policy proposals
6. There is a need to develop Aboriginal specific expertise and advocacy in different sectors as well as a need to come together to ensure better intersectoral collaboration for health gain
7. There is a need to overcome the tension in “representing” different interests especially rural/remote and urban and the lack of historical cohesion in bodies with elected representatives

In order to address these issues Congress proposed the establishment of the following bodies:

1. The National Federation of Aboriginal Organisations (NFAO): intersectional collaboration for health gain

This would be a new incorporated national Aboriginal organisation with governing committee members elected from nominations from national sector specific peak bodies from the following sectors:

- Health (NACCHO)
- Education, training and employment (to be established)
- Land (to be established)
- Housing (to be established)
- Law and Justice (to be established)
- Communications (to be established)
- Child Care (SNAICC)

NFAO would be the principal advisory body to the Prime Minister and cabinet, the Aboriginal Affairs Minister and COAG on Aboriginal Affairs. There would need to be a national framework agreement on Aboriginal Affairs signed off by COAG in order to ensure that all governments were committed to the advisory structures outlines in this proposal.

These sector specific national peak bodies would be resourced by the Commonwealth government with state and territory government’s resources the state and territory equivalent bodies as part of sector specific framework agreements (see below). There would need to be funding for a secretariat with policy and research capacity

Each sector specific national peak body would have a structured relationship with their own portfolio Minister and department through the establishment of advisory councils such as the former National Aboriginal and Torres Strait Islander Health Council.

There would also need to be funding to establish an advisory body of eminent Australians and expert professional groups such as AIDA, PHAA and others so that the NFAO could benefit from expert advice as well as the political support of eminent Australians.

The NFAO would need to develop a national plan for Aboriginal Affairs with KPIs. This plan would include sector specific national plans such as the National Strategic Framework for Aboriginal and Torres Strait Islander Health (NSFATSIH).

2. The Aboriginal Affairs Commission

A new Aboriginal Affairs Commission should be established as a statutory body which would report directly to Parliament on an annual basis. The Commission should have similar powers to the productivity Commission including the same powers of inquiry as the senates estimates committees and the auditor general. It should also have the power to reward good performance and penalise bad performance. It is vital that the Commission has wide ranging powers of inquiry.

It would be an independent body to do the analysis of current work and to hold all governments and non government organizations, including Aboriginal organisations, accountable through a monitoring role. It would scrutinise the effectiveness of key instruments such as the Commonwealth Grants Commission, COAG, the Australian Health Care Agreements and the NSFATSIH.

The Commission would be governed by a board of directors appointed for their expertise. It would be advised by the NFAO which in turn is advised by expert professional associations

3. Sector specific framework Agreements

The Framework Agreements in Aboriginal health provide a model on which the development of other sectors can be modelled. The NT Aboriginal Health Planning Forum has provided a mechanism through which governments and the Aboriginal community controlled sector can work in partnership to improve Aboriginal health. This has led to significant health gains in the Northern Territory. There needs to be Framework Agreements in the following sectors:

- Health (NACCHO)
- Education, training and employment (to be established)
- Land (to be established)
- Housing (to be established)
- Law and Justice (to be established)
- Communications (to be established)
- Child Care (SNAICC)

These agreements include a requirement by the relevant level of government to resource sector specific peak bodies at the State/ Territory and National levels. These Aboriginal controlled peak bodies need to be resourced to have a research and policy capacity and to enable effective Aboriginal participation in the planning processes with the relevant government departments.

These Agreements should also require sector specific national plans with clear performance indicators modelled again on the NSFATSIH.

4. Bottom up, intersectoral Aboriginal controlled regional planning

All of these representative structures need to be strengthened from “the bottom up” through the development of effective, intersectoral regional representative bodies. This should be achieved by the incorporation of the regional Combined Aboriginal Organisations (CAO) which already exist in some regions. The new incorporated CAO would need appropriate funding to enable dedicated secretariat support and planning functions. All Aboriginal organisations in all sectors in the region would be entitled to be members and able to be elected to the governing committee which would be limited to 7 to 10 members. The regional Combined Aboriginal Organisations would need to be resourced to develop regional plans addressing all areas. These plans would both inform and be informed by the sector specific planning processes and at state and territory and national levels. There would be no government representation in the governance of the CAO but the secretariat would need to work with government departments at an operational level in developing the regional plans

5. Ongoing consultation in the development of the final model

As mentioned in the introduction the conceptual issues involved in development of a new national representative body are complex and the details of our proposals need further development work. However, Congress does not support a body based on popular elections of members although we accept that some will prefer this option. In order to allow more time for Aboriginal people to properly consider the issues Congress believes there needs to be another level of consultation once a draft model for the national representative body has been prepared following this first round of consultation. As part of the next phase of consultation there should be a summit of Aboriginal leaders and organisations to allow time for debate on some of the key policy issues involved in the proposed model.