

SPEECH NOTES – RICK FARLEY

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Introduction

I wish first to acknowledge the Traditional Owners of the place where we meet today and pay respect to their elders and to their culture – the oldest living culture in the world.

I also want to make it clear that I can only speak for myself. I can not speak for others. I can only share some of the conclusions and understandings I have come to after almost 30 years in public life and politics. A lot of people have contributed to my education over that time – cattlemen, farmers, Indigenous people and environmentalists.

I have seen a lot of changes.

I saw the transition from a fixed to a floating exchange rate and the rapid development of a much more international market place. Competition has increased dramatically and a lot of people have been left behind, but there's no going back.

I saw the pain that goes with industry deregulation and breakdown of the centralised wage fixing system. The three pillars of Federation – White Australia, industry protection and centralised wages all are gone now.

I saw the costs of environmental degradation hit home. The farm sector started to calculate losses in potential production and to focus on the need for more sustainable management of natural resources. That prompted the historic negotiations between the National Farmers' Federation and the Australian Conservation Foundation, which led to the national Landcare program and the Decade of Landcare.

I saw the Mabo judgement, the legal reality of native title and the growing strength of the reconciliation movement. Whatever else we think, we all should recognise that those issues just aren't going to go away.

After all that, I am somewhat of a pragmatist. I am now more interested in outcomes, even if they are incremental, than the daily to and fro of poll driven politics.

Some Observations

1. The Screaming Test

The real test of whether an issue has been resolved – whether it be social, economic or environmental – is whether, at the end of the day, any interest group is screaming because they are disadvantaged. If that is the case, the issue has not been resolved because there is still a political problem for government.

The pragmatic challenge therefore is to construct outcomes that are owned by the community. That's the only way to ensure that there is not an ongoing political problem.

In so doing, the community must come to understand the inevitability of compromise. In the real world, no one ever gets exactly what they want. In the last analysis, the equation is whether everyone can live with the outcomes.

The social dynamic is that all the interest groups have to live with each other in their community. It is better for them to arrive at solutions themselves than to have decisions imposed by the courts or the Parliaments that will result in winners and losers.

2. Relationships

The nature of relationships within and between different interest groups in the community is critical. The different groups need to be able to engage effectively so options can be identified and outcomes developed.

The cornerstone of that engagement must be respect – a willingness to consider other points of view. There are always at least a couple of sides to any debate and unless they all are treated as legitimate, there will be no enduring resolution.

The value of strategic partnerships also should be understood. The wider the base of public support, the easier it is for government to act. The one thing every politician can do is count. Just because groups can't agree on everything doesn't mean they should not cooperate where they can agree. Together, they will be able to achieve outcomes wider than they can achieve alone. That sort of sophistication is very helpful in any negotiation.

That's essentially what happened between the NFF and ACF in the Landcare exercise. The farm sector wanted to shift the environment debate from the Franklin and old growth forests to a more "brown" agenda – salinity, drought and soil degradation. At the same time, the ACF wanted to put some pressure on land management, particularly because of the impact of landclearing on biodiversity.

The two organisations certainly did not agree on everything, but were able to identify issues of common concern and negotiate outcomes that each could

live with. Importantly, they agreed that no blame should apply to past management practices because, in many cases, farmers simply were reacting to signals from government that reflected the knowledge base at the time eg tax incentives for clearing country but not for replanting or rehabilitation, lease conditions that required certain clearing.

The combination of farmers and greenies taking joint action on environmental issues was politically irresistible and led to a 10 year funding commitment by the Federal Government, supported by all political parties.

A similar process took place in development of the Cape York Land Use Heads of Agreement – the first time pastoralists, Traditional Owners and the environment movement agreed on a regional land management strategy. There was enough in it for each group to keep them all at the table. All were under different pressures and all recognised that they could achieve more by acting together than by acting alone.

The pastoralists got greater security for their enterprises – no native title claims, longer leases and funding to improve management.

The Traditional Owners got access to pastoral leases for traditional purposes, funding to purchase properties on the open market, and protection of significant places.

The environment movement got protection of World Heritage values and sustainable management plans on pastoral properties.

Once again, the combination was politically irresistible. Both sides of federal politics pledged \$40 million to implement the Heads of Agreement prior to the 1996 election.

I firmly believe there is a natural strategic alliance between the farm sector, the environment movement and Traditional Owners. They come at the issues from different directions, but all want to care better for country. That common objective can be a building block for better dialogue and understanding.

3. Regional Approach

If community ownership of government policies and programs is to be achieved, and ongoing political conflicts resolved, administrative authority must be devolved as far as possible to regional level. One size simply does not fit all. What works in Brisbane probably won't work in Townsville or the Cape or the Gulf. What works in Sydney probably won't work in Dubbo or Walgett. Communities need to be able to tailor programs to their individual circumstances, or the programs will be devalued.

In the natural resources policy area, catchments largely define communities of interest and the priorities will vary from catchment to catchment.

Indigenous programs and service delivery also will be more effective where they take traditional boundaries into account. Aboriginal people can only speak for their own country and there are likely to be different protocols for dealing with different nations.

There still is a requirement for the Federal Government to set national priorities and targets, and for state governments to translate them into a state context. However, I believe regions then should be given responsibility for implementation and achieving the national and state objectives. That creates considerable challenges for our public administration – balancing regional flexibility with state and national accountability is undeniably difficult.

4. Integration

Integration of policies and programs is the next challenge. Many government objectives are inter-related, but programs to achieve them are not always linked.

For instance, farmers are dealing with separate catchment blueprints, river plans, salinity plans, requirements for protection of native vegetation, and nominations for wilderness areas. All are part of an effort to manage natural resources more sustainably, but all are administered and funded differently.

There is then a clear practical link between natural resource management and planning and development, but the institutional links don't always exist.

On another front, there is a cycle of poverty in many Aboriginal communities. If you don't have a good house, you won't have good health. If you don't have good health, you won't get a good education. If you don't have a good education, you won't get a good job. If you don't have a good job, you won't have a good house.....and so the cycle is perpetuated.

A whole of government approach is essential to deal with such situations – in my experience, perhaps the most difficult thing to achieve. There are different cultures in different agencies and between different levels of government.

The Council of Australian Governments (COAG) is a logical vehicle to develop integration at national level, but seems hamstrung by political machinations between the federal government and the states and territories. At state level, competition between Ministers and agencies often militates against integrated outcomes.

5. Indigenous Issues

Perhaps the most important thing I have come to understand is that when we deal with Indigenous people, we are dealing with a different culture.

The land and waters are the basis of Indigenous spirituality and identity and Indigenous people have responsibilities under their traditional law to care for country. They are not defined by schools, employment or achievements.

Their history is oral – carried in songs, stories and dance. That makes it difficult for our courts and legal system, which rely on written records.

In Indigenous society, information is not necessarily available freely. Some information, particularly about significant places, is only released after various levels of initiation. It is hard for non-Indigenous people to respect and accept something they will never understand.

All Indigenous people are not the same. There were over 300 separate Indigenous nations, each with their own boundaries and responsibilities for country.

Under Indigenous law, no-one can talk for some-one else's country. One Indigenous person can not represent all others. The concept of a peak group – like the NFF or the ACTU – is alien to Indigenous culture.

Assets also are held by the family group, not by individuals. Decisions, particularly about land, therefore can not be made by the individual, only by the group.

The history of Indigenous people since colonisation (or invasion) is a history of dispossession. Nations were pushed off their traditional country by development. Many also were placed on missions and reserves. Indigenous nations were jumbled together, irrespective of their different laws and responsibilities for country.

As a result, traditional laws and boundaries were fractured and blurred. The spirituality and culture of Indigenous people were diminished by removal from their traditional lands.

Today, Indigenous people clearly are the most disadvantaged group in Australian society. Their life expectancy is 20 years less than the rest of us and twice as many of their kids die at childbirth. In NSW, they account for 40% of the prison population and 60% of those under 15 in correctional institutions.

The bottom line for Australia is that Indigenous people have survived against all the odds and their issues won't go away. They are involved in a battle for survival of their culture and under their law, they can't give up. They won't give up.

From a purely pragmatic perspective, Indigenous people have rights under international treaties and conventions, the common law, and state and federal legislation. They have many legal mechanisms by which to pursue their objectives.

Indigenous people also are increasing as a proportion of rural and remote populations. Their birth rate is much higher than the national average, more people are identifying as Indigenous, and they are remaining in inland areas

as the ageing white population shifts to the coast. They already represent over 60% of some isolated communities and, on average, are expected to account for 20-25% of rural and remote populations within 20 years.

Indigenous people are a significant part of many regional economies.

They are significant landowners and hold about 20% of Australia's land mass under various tenures. They will continue to increase their estate by purchasing additional land through the Indigenous Land Corporation. They also are entering joint management arrangements for national parks and will continue to seek native title rights, particularly in northern Australia where they have been able to maintain contact with their traditional lands.

They also are starting to be elected to local and state governments.

The Indigenous agenda is here to stay. The critical questions are how long it takes our governments and community to come to grips with Indigenous aspirations and how we manage their issues.

Some Elements of Community Capacity

1. Issues Understood

Local communities need to understand the reason that action on a particular issue is required. In an ideal world, the community itself would identify local priorities and funding would be available to address them. However, it is more likely that government will decide on a particular course of action arising from election commitments. Education and information then are required about why government (or a private developer) is taking that direction.

In any case, it should be made clear to the community that action is being taken and government (or the developer) wishes to work with them to identify options and test them. If the community does not wish to be involved, decisions will be taken in any case and the opportunity to influence the outcomes will be diminished.

Those messages need to be communicated to stakeholders. A first step is to advise key community groups.

The media also can play a valuable role. It is helpful if local newspapers, radio and television can cover the matter so it is in the public domain. I also believe it is helpful to use paid advertising to call for expressions of interest from those who wish to be involved. Respondents then can be placed on a register and advised of developments, even if they are not directly involved in the eventual process. There is then reduced basis for any claim that particular groups have been excluded.

The register then creates a pool from which members of a community consultative/negotiating committee can be selected.

2. Faith In The Process

It is impossible to achieve ownership of outcomes if stakeholders do not faith in the process. Generating such trust can be difficult. Many people in the community believe government has pre-determined outcomes and their views will not be given weight.

I have found that a formal Memorandum of Understanding (or Heads of Agreement) can help overcome such concerns. The MOU is signed by the various parties and is an agreement about the process that will be undertaken. It is a mechanism to help ensure transparency and consistency of approach.

It can cover matters such as:

- the objectives of the exercise;
- “good faith” by each party;
- the steps that need to be taken – eg research, analysis, development of options, negotiation, decision making, implementation;
- a protocol for meetings – who is to be involved, where meetings are to be held, notice for each meeting, who the chairperson will be, how debate is to be conducted;
- how advice is to be obtained and the selection of any consultants.
- the timelines for each step (this is particularly important in dealing with Indigenous interests as the Indigenous representative(s) will have to consult with their group about each step);
- responsibilities of each party eg to consult with their constituency and provide feedback and responses; to treat other parties with respect; confidentiality;
- skilling and mentoring of those involved;
- resources that will be available and acquittal procedures;
- monitoring, assessment, review and public reporting.

3. Resources

Resources are critical to just outcomes. They help to ensure equity so that well funded groups and those with significant expertise don't dominate the proceedings. They also can help to generate faith in the process ie they must be serious if they're if they're allocating this level of funds.

In an ideal world, resources would be available for:

- expert and independent advice on particular matters;
- a secretariat to take records and provide timely minutes;
- communications support eg provision of email and a mobile phone for each representative;
- travel (reliable vehicles are an issue in many Indigenous communities);
- sitting fees – time is valuable and community representatives in effect are providing expert advice;
- assistance to report to and gain feedback from particular constituencies – eg Indigenous representatives will need to consult with their wider group,

which probably will entail community meetings and consequent costs; farm sector representatives also may need to travel to consult with different organisations and individuals;

- in some circumstances, development of corporate bodies and effective governance structures;
- skilling and mentoring of those involved.

4. Effective Community Structures

If there is to be community ownership of issues and processes, all stakeholders need to be involved and there must be effective structures for the stakeholders to report to and gain feedback from their constituencies.

In some cases, structures already will exist. The issue then may be whether they cover all stakeholder interests. For instance, farming organisations in general only represent less than 50% of primary producers. Others may be involved in Landcare groups or organisations focussed on improving productivity.

Business interests may be spread across a Chamber of Commerce, Progress Association or tourism body.

In Aboriginal communities, there often are tensions between different family groups, Traditional Owners and the local Land Council. It may be necessary to deal with a variety of different organisations to ensure effective coverage and input – the Land Council, Council of Elders, native title claimant groups, the ATSIC Regional Council, the Legal Service and Health Service.

My personal experience is that it is best to contact all potentially relevant community groups and ask them how they wish to be involved in the process. This may lead to a protocol that can be included in a MOU or Heads of Agreement.

Where there is no effective organisational coverage, structures may have to be developed. I have found the best way to proceed in these circumstances is to advertise the project, advise key individuals and existing organisations, compile a register of interests and negotiate a protocol that can be included in a MOU/Heads of Agreement. Appropriate resources and timeframes are critical.

Irrespective of whether community structures already exist, I believe resources should be available to improve the skills of the groups involved. The greater the knowledge and skills base, the more the likelihood of effective outcomes. Resources also should be available to ensure the groups are not out of pocket as the result of their involvement.

If Aboriginal issues need to be addressed, cross cultural training also should be available to all those involved.

5. Agency Skill Base

It is not only a question of skilling up community groups. The skill base of government agencies and private developers also needs to be improved.

In many ways, the role of agencies has changed considerably. Not very long ago, their focus was mainly on regulation of legislation passed by government. There was little recognition by government of the need to involve the community in program delivery.

However, in its own interests, government now seeks a much higher degree of community involvement and ownership. Agencies are asked to work with the local community to deliver outcomes – to become communicators and facilitators, as well as regulators.

Increasingly, they also are asked to coordinate the government's response across agencies that have different cultures. Communication and facilitation skills are required internally, as well as externally.

My observation is that not all agencies have the skills necessary to undertake this extended role – particularly at local level. There may be political commitment to working with the community, but the capacity to deliver that undertaking on the ground often is questionable.

The same applies to private developers. It now is not only a question of observing necessary regulations, but of ensuring the community is not opposed to particular projects. The greater the opposition in the community, the more a project is likely to be delayed. It is in the developer's commercial self-interest to undertake community education and consultation.

New skills therefore are required in the public and private sector. This needs to be recognised clearly and resources allocated to building the skill base.

6. Monitoring, Assessment and Review

The community's faith in processes undertaken by government and private developers will be enhanced where they are seen to be transparent and responsive. This entails monitoring, assessment, review and public reporting on progress.

Once again, these factors should be discussed with stakeholders and included in a MOU/Heads of Agreement.

Conclusion

The way in which business is done by the public and private sector has changed considerably and will continue to change. There will be increasing focus on community involvement and generating community ownership of outcomes, driven by enlightened self-interest – the “screaming test”.

New approaches will continue to be developed and new skills will be required, both in the community and within agencies and business.

I believe these are all constructive developments because they can help to generate a more inclusive society and outcomes that are more just and fair. But they entail enormous challenges that in turn require greater resources and skills.

Local Government has an important role to play and can build models with far-reaching application.

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