



Central Coast

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**Joint Select Committee on Constitutional Recognition
Relating to Aboriginal and Torres Strait Islander Peoples**

PO Box 6021

Parliament House

Canberra ACT 2600

jscqr@aph.gov.au

6 June 2018

Barang Regional Alliance submission to the Joint Select Committee

Dear Committee members,

1. I am writing on behalf of the Board of Barang Regional Alliance (Barang) which is the Empowered Communities (EC) regional backbone organisation for the Central Coast in NSW which is one of nine Empowered Communities regions around Australia. We are the peak Aboriginal representative body on the Central Coast whose membership is comprised the following Aboriginal community organisations:

- Bara Barang Corporation
- Bungree Aboriginal Corporation
- Darkinjung Local Aboriginal Land Council
- Gudjagang Ngara Li-dhi Aboriginal Corporation
- Mingaleta Aboriginal Corporation
- NAISDA Dance College
- Yerin Eleanor Duncan Aboriginal Health Centre

2. As a member of the national EC alliance, we have come together as leaders from across urban, regional and remote Australia to drive change through the reforms proposed in our Empowered Communities framework. Each of our regions has a long history of



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leadership and advocacy for changes that provide a far better system—one that replaces the current top-down system of control and dependence, with processes and structures that empower decision-making at the grassroots level, and that also enable us to partner with government at the regional, and national, levels as is required.

3. We firmly believe that substantive constitutional reform is a crucial part of the structural reforms that are needed to galvanize and enable empowerment, responsibility and self-determination for Indigenous people. It is only when our people are empowered to take charge of our own lives and make decisions about our own communities that we will close the gap. As the Prime Minister says, government should 'do things with, not to Indigenous people'. This currently does not happen. It needs structural and constitutional reform to make sure it happens all the time. This cannot be a short-term policy trend. It needs to be a permanent structural shift.
4. We support the Uluru Statement from the Heart as an act of unprecedented Indigenous consensus, and an historic act of self-determination by our people. Indigenous Australians have told government how we want to be constitutionally recognised. The Uluru Statement modestly asked for a constitutionally enshrined First Nations voice, so our communities can have a guaranteed say in the laws and policies made about us. It also asked for a Makarrata Commission to supervise agreement-making and truth-telling, to be set up in legislation. These two proposed reforms, along with an extra-constitutional Declaration as proposed by the Referendum Council, would complement, enhance and connect to the Empowered Communities reforms we have already proposed.
5. We have always maintained that structural reform needs to be part of the picture. We have always said, too, that constitutional reform needs to be part of the picture. Empowered Communities aims to empower our people with a voice at the local and regional levels, so that more productive partnerships with government can be created. Constitutional reform can sensibly connect these local and regional voices to law and policy making at the federal level, so we can have a voice at the national level as well.

The Empowered Communities approach

6. The Terms of Reference require the Committee to understand how consultation and self-determination happens in Indigenous communities, and to develop ideas for how this can be improved. This can also assist in developing approaches to the design a First Nations constitutional voice, going forward.



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7. There are lessons to be gleaned from our Empowered Communities work. Our approach is based on the idea that there needs to be a fundamental shift away from the traditional social policy framework in which Indigenous affairs has been conducted, to a comprehensive Indigenous Empowerment agenda. At the local and regional level mere 'consultation' is not enough—the current system of policy making and service delivery disempowers Indigenous communities, usurps their responsibility and leads to the “torment of powerlessness” the Uluru Statement describes. A paradigmatic shift to empowerment is needed and this must be articulated through both legislative and constitutional reform, and through individual and community responsibility.
8. In practice this means Commonwealth, state and territory governments need to share certain powers and responsibilities with Indigenous communities, and support Indigenous people with resources and capability building. It means coming to the table together, as partners, and negotiating plans for the development of Indigenous communities.
9. The principle of subsidiarity—that authority to decide and act should rest at the closest level possible to the people or organisations the decision or action is designed to serve—is an important element in our concept of Indigenous Empowerment. Together with Indigenous self-determination and the mutual rights and responsibilities shared between Indigenous people and governments, it is at the heart of our Indigenous Empowerment reforms.
10. Our Indigenous Empowerment framework is based on the premise that Indigenous Australians have a right to development, which includes our economic, social and cultural development as families, individuals and communities and as Indigenous peoples. It recognises the primacy of the local nature of peoples and places, and is aimed at the empowerment of the families and individuals connected to those peoples and places. We recommend national and regional institutions only to support an enabling framework for place-based development agendas.
11. There are two parts to our development goal. They are each of equal importance, and are to be pursued concurrently and constantly tested to determine whether we are most productively using available resources and opportunities. First, our goal is to close the gap on the social and economic disadvantage of the Indigenous Australians of the Empowered Communities regions. Second, we aim to enable the cultural recognition and determination of Indigenous Australians of the Empowered Communities regions so that we can preserve, maintain, renew and adapt our cultural and linguistic heritage and transmit our heritage to future generations.



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12. Over the last two years under Empowered Communities we have started to put changes in place that can help to transform the Indigenous partnership with government so that we can far more effectively close the gap. We have started to tackle the hard issues, and to build clearer, cohesive and inclusive decision-making structures and processes for Indigenous empowerment and development from the ground up. The task is not an easy one, but it must be done. Empowered Communities is starting to demonstrate that it can be done—for example, the partnership with government is being reset in terms of the control that Indigenous people of a place can now exercise over the funding decisions for services that are intended to support our development, and this can only lead to better targeted and more effective service delivery over time.

13. We refer the Committee to the Empowered Communities report¹ for further details on how this local empowerment can work in practice to improve development outcomes. By way of an example from one Empowered Communities region, we refer you also to the Pama Futures submission which shows the practical changes to governance and the kinds of actions that are the result of our ongoing evolution of our empowerment and development agenda.²Each region must be supported to conduct the planning that is needed for their regions and context.

Leadership must percolate upwards from strong grassroots foundations

14. Empowered Communities is fundamentally about facilitating a regional approach to place-based development in a manner that abides by the principle of subsidiarity. A First Nations constitutional voice should also connect to such place-based structures for empowerment. As with the Empowered Communities regions, regions across Australia might choose to organise and represent themselves differently to ensure that a system is devised that is appropriate to their particular context. It should be up to regions themselves to devise a mode of representation that suits them, providing certain basic criteria are met.

15. Constitutional reform should ensure that once each region has sorted out their local and regional representation, they will then be able to affiliate as needed to provide a Voice to Parliament at the federal level, and to engage with State and Territory governments as needed. It could be that regions across the country choose delegates to sit on a national voice.

¹<http://empoweredcommunities.org.au/>



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Why we support implementation of the Uluru Statement from the Heart

16. We support the reforms proposed in the Uluru Statement because they are the only reforms with Indigenous backing. As we have made clear in the past, we don't support a minimalist or purely symbolic constitutional amendment. Constitutional recognition must be substantive and practical.
17. Second, we support the reforms because they will empower our people to take responsibility in our affairs. This aligns with our Empowerment agenda, which is about local people making local decisions. A First Nations voice should be designed in collaboration with Indigenous people so that it complements and supports regional and local empowerment.
18. Further work must now be done to put forward the key priorities as outlined in the Uluru Statement and the Referendum Council's report: a constitutionally guaranteed voice for the First Nations, a Makarrata Commission to supervise agreement-making and truth-telling, and a Declaration of Recognition, to unify the country so we can go forward as one.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kate Kelleher".

Kate Kelleher

Acting Chairperson