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The ‘quiet revolution’ in Indigenous affairs: How Australia ended up with a marketised Indigenous service delivery system in the New Public Management era

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In the 1980s, the Australian Government embarked on a package of sweeping economic reforms under the leadership of then Labor prime minister Bob Hawke and treasurer Paul Keating. In 1983, Australia became a fully fledged participant in the international financial market when the Hawke Government decided to ‘float’ the Australian dollar and deregulate the financial market to allow the free movement of financial capital in and out of Australia (Capling et al., 1998, p. 47). This was a process of deregulation, trade liberalisation, and industry restructuring. Deregulation meant that rural towns lost services, including banking and health services. Trade liberalisation had a significant effect on pastoralism. Industry restructuring affected the steel, passenger, motor vehicle, textile, clothing, and footwear industries, which impacted major regional areas such as Newcastle (Capling et al., 1998, p. 57).

In the early 1990s, the succeeding Labor prime minister Keating took these reforms a step further, with a wave of privatisation that saw public assets, for example, Qantas and the Commonwealth Bank, sold off (Chandler-Mather, 2021, p. 1). In 1992, the Keating government established the National Competition Policy Review, also known as the Hilmer Review, which inspired the National Competition Policy (NCP) and expanded the reach of competitive markets into more sectors of Australia's economy and society. In 1996, the federal Keating Labor Government endorsed the *Competitive Tendering and Contracting by Public Sector Agencies* report (Chandler-Mather, 2021, p. 1). As Chandler-Mather notes, the report 'recommended a massive expansion of outsourcing in the public sector, via contracting and competitive tendering, the further marketisation of public administration, and a hollowing out of government agencies' (Chandler-Mather, 2021, p. 1).

The state and territory governments followed suit (Chandler-Mather, 2021, p. 1). Chandler-Mather argues that this period saw governments across the nation 'aggressively enforcing a competitive, market logic in crucial sectors like electricity, gas, aviation, finance, transport, and communications' (2021, p. 1). Australian governments were adopting an Australian style of neoliberalism to address Australia's economic problems (Chandler-Mather, 2021, p. 1). Further, Kruk and Bastaja argue that the NCP committed NSW to the creation of competitive markets for public sector goods and services (2002, p. 65). They indicate that 'with the concentration of revenue and taxation powers held at Commonwealth level, the federal government had played an increasingly influential role in the delivery of services at state level' (2002, p. 63). However, they also point out that NSW adopted an approach that integrated 'more strategic partnerships, increased community involvement, integrated service outcomes and the use of electronic technology' (Kruk & Bastaja, 2002, p. 62).

After coming to power in 1996, the Howard Coalition Government continued on the path of major economic reform, which extended from the privatisation of Telstra through to industrial relations. The Australian Public Service was gradually reformed and reduced in 1996. Approximately 15,000 public service positions were made redundant (Taylor, 1996). Many positions were reclassified. Departments were restructured and service delivery was overhauled. Management and accountability regimes changed. The reforms to the provision of government services initiated by Keating continued, emulating international changes to public administration

known as NPM. This period of economic reform in Australia marked the introduction of reforms related to NPM across the public sector and government service delivery.

Neoliberalism Howard-style extended beyond the realm of the economic to the social, ensuing a radical restructuring of Australian society and the welfare state that resulted in what Rose and Miller observe in other contexts as a 'profound transformation in the mechanisms for governing social life' (Rose & Miller, 1992, p. 200). Society was governed for economic efficiency, and market-like relations transformed the social, welfare, and public sectors (Beeson & Firth, 1998, p. 6). At the same time as reforming the public sector and bringing the NPM into effect, the Howard Coalition Government problematised Keynesian social democracy and began restructuring the Australian welfare state. For Howard, Keynesian welfarism hampered economic growth, bred passivity and dependence, and undermined individual freedom.

A distinct difference between the Howard Government's neoliberal reform agenda and that of the previous two federal Labor governments was in these welfare reforms, including changes to assistance for the unemployed. Howard put in place markets where markets had not previously existed or did not have a foothold in welfare sectors, through mechanisms that effectively privatised welfarism. The Howard Government introduced a 30 per cent rebate as an incentive for those aged 30 and above to encourage Australians to take out private health insurance, creating a two-tier health system in Australia. In 1997, the Howard Government introduced the *Aged Care Act*, opening the way for aged care to become a for-profit industry.

The role of the Australian Public Service in the provision of social services, welfare, and other public services was restructured: rather than the privatisation of the public sector, this was the marketisation of services, including the promotion of competition and enterprise. The Howard Government did not advocate the full privatisation of social or welfare services. Instead, as Connell, Fawcett, and Meagher point out, the Howard Government created 'markets for things whose commodification was once almost unimaginable: water, body parts, pollution and social welfare among them' (2009, p. 331).

In 2003, the then secretary of the Department of the Prime Minister and Cabinet, Peter Shergold, announced 'the new public management' that would 'have marked generational change in the APS' (Shergold, 2003).

Shergold described NPM as a ‘quiet revolution’, increasing ‘competition in the delivery of services to government and on behalf of government’ (Shergold, 2003). NPM was the instrument that Australian governments used to change public sector management and the expenditure of public funds. NPM was applied for a similar purpose internationally and its use has seen major changes to government service delivery (Salamon, 2002). In Australia, NPM was applied to create government service delivery markets across various sectors, such as the employment and disability sectors. The Australian Government’s rationale for this approach was that it benefited consumers who gained increased choice, higher-quality services, and more diverse and innovative providers (Meagher et al., 2022, p. 2). As Meagher, Perch, and Stebbing point out, ‘Australian policymakers put great faith in market mechanisms, invoking this faith in support of extending contracts, competition, and choice to more and more service areas’ (2022, p. 2). Chandler-Mather observes that the state and territory governments all followed suit (2021, p. 1).

The rolling out of NPM was characterised by changes in funding structures and contractual arrangements (such as competitive tendering and so-called results-based management) and by new forms of government monitoring and regulation (such as accreditation, auditing, and corporate governance training) (Barrett, 2004). Performance targets would measure the provision of services based on performance indicators often referred to as ‘outcomes’ and ‘outputs’. Furthermore, as Deakin and Michie observe:

if there is a single strand that runs through the changes wrought by the neoliberal revolution ... it is the revival of contract as the foremost organising mechanism of economic activity.

(1997, p. 1, cited in O’Flynn, 2007, p. 355)

The contract encouraged competition and the doctrine of competition was central to the market’s development, along with competitive tendering and contracting by governments as popular NPM instruments (O’Flynn, 2007, p. 355–356).

It was through NPM that neoliberal market mechanisms became ‘general-purpose tools for public policy’ (Muir & Salignac 2017, p. 58). It is for such reasons that NPM in Australia has been described by anthropologist Patrick Sullivan, who has studied this period closely, as ‘neoliberal public management’ (Sullivan, 2018). NPM is seen as the neoliberalisation of government service delivery because it entails the marketisation of those

services.¹ NPM takes its principles and cues from the free market economy and *Homo economicus*. The principles of NPM are applied to the public realm with the view to it running in an entrepreneurial or businesslike manner (Fatemi & Behmanesh, 2012). As leading social policy scholars who have written widely on the effect of the NPM across the social service sectors more broadly, Connell, Fawcett, and Meagher point out, NPM concerns the expansion of the principles of neoliberalism, such as a free market, competition, best value for money, and optimum cost efficiency, across government services (2009, p. 331). Governments restructured the delivery of those services to enable and promote economic competition. Governments also put in place policies and regulations to remove all obstacles to the functioning of this competitive and efficient market and transform the way business is done through the inculcation of enterprising values and market-like relations across it (Howard-Wagner et al., 2018, p. 22). Stuart Hall (2005) refers to this type of reform as 'entrepreneurial governance' in that 'it promotes competition between service providers ... focuses not on inputs but on outcomes ... and prefers market mechanisms to administrative ones' (Hall, 2005, p. 1). The marketisation of government services is an economic model based on value for money in which potential service providers competitively tender for the contracting out of social, welfare, and other public services.

Prime minister Howard continued what his predecessor, prime minister Keating, started, but under his leadership Australian neoliberalism took new twists and turns (Howard-Wagner, 2018, p. 1335). There were important distinctions in the relationship between economic and social reform between the Hawke/Keating and Howard governments. Arguably, the distinction came down to what Brenner, Peck, and Theodore refer to as variegations in neoliberal agendas (2010). In this context, the variegations in neoliberalism under successive Hawke and Keating Labor governments compared with the Howard Coalition Government manifested in the marked distinctions in national policymaking in Indigenous affairs.

In 1990, the Aboriginal and Torres Strait Islander Commission (ATSIC) was established under the Hawke government as a vehicle for the realisation of self-determination, and in accordance with a driving principle of his government that First Nations peoples should have greater control over their

1 While Australia has seen many variants of neoliberalism at the federal and state and territory levels (Dean, 2004, p. 159), the central tenet of all variants is a 'market society' – the market is seen as the means to bring about a just and efficient society.

affairs. ATSIC's dual role was the administration of Indigenous programs and the representation of Indigenous or First Nations' interests, allowing First Nations people to participate in decisions about policies and programs that affected them.

In 1992, Keating's momentous Redfern speech on 10 December 1992, six months after the High Court *Mabo* decision, acknowledged the violence of colonisation, recognised Indigenous rights, and accepted the importance of reparation. In contrast, Howard's speeches denied the history of colonisation and redefined Indigenous rights. In 1997, then prime minister John Howard asserted in an interview on national television that 'the pendulum had swung too far in favour of Aboriginal people' (Howard, 1997b, p. 1). Howard was referring to the special measures in Australian law and policy aimed at addressing past injustices and granting Aboriginal and Torres Strait Islander peoples separate Indigenous rights (Howard-Wagner, 2006, 2018). Howard not only denied racial difference (Winant, 1997), but went as far as to construct racial difference as a privileged state and set out to erase it (Howard-Wagner, 2018, p. 1337).

Many of the chapters in this volume highlight the adverse effects of specific Indigenous policy moments under the Howard Coalition Government, such as the abolition of ATSIC and mainstreaming of Indigenous services in 2005. This chapter provides important context on the dark side of policymaking that led to the marketisation of Indigenous service delivery under the Howard Government. It considers Howard's agenda and his intent, arguing that Howard did not simply roll out NPM in Indigenous service delivery. Howard's aim was to wind back Indigenous rights.

The chapter is written from the standpoint that ignorance in Indigenous policymaking at this time was not neutral or incidental, but what Samson (2013), Sullivan and Tuana (2007), Howlett (2022) and others describe as 'wilful'. It considers the strategic application of wilful ignorance as a deliberate, cultivated, and sustained act of prejudice in relation to Indigenous policymaking under the Howard Government (Godlewska et al., 2010, p. 417; Lawrence & O'Faircheallaigh, 2022, p. 93).

Neoliberalism and its application to Indigenous affairs, Howard-style

Neoliberalism Hawke- and later Keating-style was along the lines of what is known as the Ordoliberal model of neoliberalism. A key feature of Ordoliberalism is that it does not abandon the policy of social justice. The Ordoliberal model promotes a form of 'government constructivism', especially government intervention in the realm of the social to maintain and support the market (Kendall, 2003, p. 9; see also Dean, 2004). Hawke and Keating established foundational policies of social justice in Australia while pursuing economic reform. The Hawke Government had put in place universal health care through Medicare, overhauled education, launched the Higher Education Contribution Scheme, known commonly as HECS, and introduced compulsory employer superannuation payments. It introduced tax cuts and increased welfare payments for low-income families (Redden, 2019, p. 715). As Redden writes, 'the Hawke-Keating reforms came with a collectivist Australian accent' (2019, p. 715). In Indigenous affairs, Hawke created the ATSIC. Keating had established the Council for Aboriginal Reconciliation in February 1992 and in 1993 his government passed the *Native Title Act* in response to the High Court's Mabo decision. Keating was the first Australian prime minister to acknowledge the damage done by invasion, dispossession, and assimilation policies (*The Guardian*, 2022).

On the other hand, while in opposition, Howard had voiced his hostility to the establishment of ATSIC, a treaty, and land rights, arguing that such initiatives were separatist and divisive (Howard, 1989, p. 1328, 1995, p. 410). For example, in a speech to parliament on 11 April 1989, Howard argued the following as opposition leader:

... I say to the Minister and to his guilt-ridden Prime Minister that the present generation of Australians has every reason to be concerned about the fact that the Aboriginals [sic] are the most disadvantaged cultural group in our midst. We on this side of the House will yield to nobody in this Parliament or elsewhere in our concern to improve the lot of Australia's Aborigines [sic]. I also say to the Government and to the Minister that they will never improve the lot of Aborigines [sic] in 1989 and beyond by empty symbolic gestures such as treaties. I take the opportunity of saying again that if the Government wants to divide Australian against Australian, if it wants to create a black nation within the Australian nation, it should

go ahead with its Aboriginal and Torres Strait Islander Commission (ATSIC) legislation and its treaty. In the process it will be doing a monumental disservice to the Australian community ...

If there is one thing, above everything else, that we in this Parliament should regard as our sacred and absolute duty, it is the preservation of the unity of the Australian people. The ATSIC legislation strikes at the heart of the unity of the Australian people. In the name of righting the wrongs done against Aboriginal people, the legislation adopts the misguided notion of believing that if one creates a parliament within the Australian community for Aboriginal people, one will solve and meet all of those problems.

(Howard, 1989, p. 1328)

In this speech, Howard lays the foundations for the future of Indigenous public policy, and his concern with overcoming Indigenous disadvantage and abolishing ATSIC as a form of separatism. He regards his sacred and absolute duty as that of preserving the unity of the Australian people.

Howard also not only problematised what he referred to as 'passive welfare', but he distanced himself from Indigeneity as a collective racial identity, which permitted and forced the integration of Indigenous Australians into the mainstream. Howard argued that his objective was to 'unite' Australia (Howard, 1996a, p. 8218), and any collective claims to rights, such as Indigenous rights, operating outside of his core unified framework were rendered invidious. Indigenous rights were positioned outside history and social context.

As I noted elsewhere, it was not only the standardising and homogenising tendencies of neoliberalism Howard brought into Indigenous policymaking at this time, but Howard did so through the blatant denial of social and historical white colonial dominance (Howard-Wagner, 2006, 2018). In various other speeches to parliament, Howard denied the violence of colonisation and subsequent Commonwealth policies, such as the removal of Aboriginal children. Reparation for past wrongs was progressively reframed as political indulgence. Howard declared such viewpoints as 'the black armband view of history' (Howard, 1996, p. 1). He not only engaged in what Samson (2013), Sullivan and Tuana (2007), and Howlett (2022) call 'wilful ignorance', but he also reordered Australian history through national reconciliation, recognition, and reparation laws in relation to First Nations peoples (Howard-Wagner, 2018, p. 1338). Howard ignored the relevance of the past to the present (Howard-Wagner, 2018, p. 1338). His systematic sidelining of Indigenous narratives involved reinvigorating racialised practices by sanitising Australia's

past, diminishing the credibility of Aboriginal and Torres Strait Islander peoples as epistemic agents in their attempts to be heard (Howard-Wagner, 2018, p. 1338). His position was not new. Dating back to 1972, Howard had expressed strong objections to many of the Commonwealth statutory laws and policies introduced into the Australian Parliament to progress Indigenous rights over a period of 24 years.

While the Howard Coalition Government's purported motivation for reform would be the wicked problem of long-term and entrenched Indigenous disadvantage, at the crux of this problem for Howard were welfarism, separatism, and self-determination. Howard orchestrated a grand and powerful paternalistic intervention in the lives and social reality of First Nations peoples through mainstreaming and individualising Indigenous service delivery in 2005. He took Indigenous infrastructure, program, and service design out of the hands of communities and community-controlled First Nations organisations.

For Howard, separate rights, institutions, and practices, such as a legal treaty or native title, were in effect antithetical to the epistemological and moral codes underpinning his neoliberal style of governing. The discursive construction of the pendulum having swung too far in the direction of Indigenous Australians allowed for a neoliberal intervention. The political objective was to wind back the perceived benefits that Indigenous rights and self-determination had unfairly bestowed on Indigenous Australians. Separate rights were to eventually be replaced by mainstreaming. Howard's reform agenda not only led to the abolition of ATSIC but also the rolling out of a government Indigenous service market nationally.

Howard's intervention in Indigenous affairs, including his duties to Indigenous Australians, was limited to removing the impediments to market forces, restructuring the welfare state, denying all privileges, and promoting individualism. Howard abandoned social justice, stipulating that it was only the state's duty to the poor or minorities to provide social services (see Hayek's *The Constitution of Liberty*, 1960). Under Howard, separate institutions, such as ATSIC, were problematised as excesses of the welfare state. Yet, the marketisation of government Indigenous services took much longer to achieve.

Later, Shared Responsibility Agreements would enact Howard's neoliberal model of governance, 'reducing dependency on passive welfare' (Vanstone, 2004a; and Howard, 2004a). The Indigenous citizen would be reconstituted

as the prudent neoliberal subject. The objective was to ‘boost employment and economic development in Indigenous communities’ (Howard, 2004b). On the one hand, Howard constructed First Nations people as free agents who can escape disadvantage via the market, but at the same time deficit discourses constructed First Nations people as lacking the capacity to take full responsibility for their own fate. It is through policy initiatives such as Shared Responsibility Agreements, the Northern Territory Intervention, and the cashless debit card, that this attitude of Howard, and the sustained effect of his attitude in the Indigenous policy space, becomes apparent.

It is these key characteristics of Howard’s style of neoliberalism that aligned it with the thinking of Friedrich von Hayek. The work of Friedrich von Hayek influenced renowned neoliberal political architects American president Ronald Reagan (1981–89) and British prime minister Margaret Thatcher (1979–90). Thatcher’s notion of society as an ‘artefact’ that can be constituted is a direct quotation of Hayek’s (1960, 1976) argument; it is the idea that society can be artificially constituted. Hayek was also extremely critical of ‘social justice’ and its moral effects (see Karl Popper, 1966). Separate rights and state welfare interfere with the operation of the market (Hayek, 1960, 1976). Hayek was critical of the demands of special interest groups who required special privileges (Hayek, 1976). For Hayek, individuation served certain purposes; yet it stemmed from a moral basis. As Hayek stated:

the essence of the liberal position ... is the denial of all privilege if privilege is understood in its proper and original meaning of the state. It is an ethic in which its normalising impulse is individualism and formal equality.

(quoted in Lloyd, 1997, p. 79)

For Hayek, neoliberalism was a major socio-political-moral project that featured traditional doctrines of classical liberalism but differed in terms of its political practice (Kendall, 2003, p. 6). Kendall explains this as being: ‘A more authoritative state ... concentrate[ing] on providing the conditions under which individual entrepreneurship, self-government, freedom and responsibility can be possible’ (2003, p. 6).

On the one hand, neoliberalism positively conceives of the poor as free agents who have the ability to escape poverty via the market (Katz 2013). In this sense, it rejects pathological theories of poverty and sees the poor as equal to the rest of mainstream society. Since everyone is expected to make market-based decisions that would improve their lives, the poor are logically

called out to do the same. On the other hand, neoliberalism constructs the poor, especially women, as deficient and immoral individuals who do not take full responsibility for their own fate.

Importantly, once elected to power, the political imperative of the Howard Coalition Government was to respond to what Howard saw as the excesses of previous federal policy in Indigenous affairs. The discursive construction of 'the pendulum having swung too far' in the direction of Indigenous Australians legitimated intervention (Howard, 1997a, p. 1). Howard's political objective was to wind back the perceived so-called 'benefits' that Indigenous rights and self-determination had unfairly bestowed on First Nations people (Howard, 1997, p. 1). Howard's position concerning an apology to the Stolen Generation, his rejection of the High Court *Wik* decision and its review, and his restructuring, and eventual abolition, of ATSIC were sustained by a view towards redressing the privileged status of First Nations people. Howard rejected the special status of First Nations people under international law, which became evident in several law and policy reform decisions, such as those relating to reconciliation, Indigenous heritage protection, and Indigenous legal services. Howard realigned the pendulum with the passing of the *Native Title Act 1998* (Cth). Howard also attempted to realign the pendulum through the introduction of the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998 but failed. Later, Howard would not only refuse to sign the United Nations Declaration on the Rights of Indigenous People, but he would actively campaign the governments of the United States, Canada, and New Zealand to do likewise.

These policies conformed to the view that 'the pendulum had swung too far' (Howard, 1997a) and that the state was resetting policy to align with the general interest. Howard's reform agenda was based on the assertion that all Australians be treated equally, ensuring that no one group of Australians was privileged over another. Howard's policy of 'practical reconciliation' decoupled the practical needs of First Nations peoples for health, education, and employment, from the broader issue of Indigenous rights and self-determination (Howard-Wagner, 2021, p. 115). He realigned the pendulum through his move away from issues of racism and native title. He turned to governing social inequality with an emphasis on Indigenous disadvantage and what Howard referred to as 'practical outcomes'.

In a speech given at the 1997 Reconciliation Convention, Howard announced he was giving 'priority to programmes that directly target Indigenous disadvantage in health, housing, education, and employment' (Howard, 1997a, p. 1). He declared that this is 'why we are focussing government resources on these areas in a way that will achieve the best outcome' (Howard, 1997a, p. 1). His government's mission was to 'reduce dependency on passive welfare' (Vanstone, 2004a; Howard, 2004a).

Howard moved away from social justice and turned instead to governing poverty, or in this case, governing Indigenous disadvantage. This was consistent with the Organisation for Economic Co-operation and Development pushing for governments to create the conditions and deliver the services necessary to reduce poverty internationally. Howard set about bringing into effect a mainstream way for Indigenous service delivery to overcome disadvantages. Howard's focus turned to governing the disadvantaged individual. Howard's reform in the public administration of Indigenous social services would ultimately centre around market enablement (Howard-Wagner, 2018).

In Indigenous affairs, market enablement entailed moving service provision out of the hands of ATSIC and communities and into the hands of the government. From 2002, the Council of Australian Governments (COAG) promoted initiatives to improve outcomes in identified areas of Indigenous disadvantage through the cooperative efforts of governments at all levels. While not immediate, this policy of 'practical' reconciliation eventually culminated in significant changes to the regulation and funding of government services for First Nations people. However, the turn to governing Indigenous disadvantage was more than an opposition to welfarism. Howard opposed separatism. Governing through Indigenous disadvantage has operated as a complex, overt racial project in which Aboriginal and Torres Straits Islander peoples in Australia are invented, constituted, and assimilated into the neoliberal body politic through the positive paternalistic governing of Indigenous socio-economic disadvantage (Howard-Wagner, 2018).

Elsewhere, I argue that, intrinsically, the governing of First Nations people through their socio-economic disadvantage is a powerful racial project in which the neoliberal state arbitrates in Indigenous politics and, in fact, reconfigures Indigenous politics (Howard-Wagner, 2018). During the years that Howard was prime minister, there was little room for First Nations peoples to move politically (even within the politics of poverty governance)

in terms of overcoming Indigenous disadvantage. The National CTG Agreement signed in 2020 marks a significant departure from Howard's agenda. It is not only indicative of a move towards a post-NPM era, aligning itself internationally, but it is a recognition of the failure of neoliberalism Howard-style to address Indigenous disadvantage. The case studies in this volume show how Howard-style neoliberal governance affected the agency and agendas of community-controlled First Nations organisations and thus contributed to their political stymieing.

Abolishing ATSIC to advance the mainstream way: How and why ATSIC was problematised

It became apparent within its first year of coming to power that the Howard Coalition Government planned to wind back and even potentially abolish ATSIC. Once in power, ATSIC itself was problematised by Howard, and other key members of his government, such as Pyne, Costello, and Vanstone, through the smoke-and-mirrors of purported conflicts of interest, poor governance, excessive bureaucracy, and the failure to deliver services. The calculations and strategies of neoliberalism undermined ATSIC. In 1996, the Howard Government's appointment of an external special auditor, Klynveld, Peat, Marwick, and Goerdeler (KPMG), was for the express purpose of examining accountability within ATSIC (Pratt, 2003, p. 8). The KPMG audit cost ATSIC nearly \$1 million. In addition to the KPMG audit, between 1998 and 2003, the Federal Office of Evaluation and Audit conducted 243 audits of ATSIC. As Cunningham and Baeza explain, the 243 audits occurred:

despite ATSIC's status as perhaps the most audited and monitored organisation of its kind, and the only one with its own internal audit office ... and that 95% of the 1122 organisations assessed by the special auditor [Klynveld, Peat, Marwick and Goerdeler (KPMG)] were approved for funding [and] ... of the remaining 60, most were found to have minor technical irregularities.

(Cunningham & Baeza, 2005, p. 463)

From its inception, ATSIC's accountability matrix subjected it to a complex web of scrutiny. This scrutiny intensified considerably following the election of the Howard Government in 1996.

After a barrage of attacks, not only from the Howard Coalition Government, ATSIC was slowly dismantled. In 1996, the Howard Coalition Government commissioned the Taylor Report (1997). The Taylor Report was a review of the policy functions of ATSIC, which resulted in the transfer of major policy sections of ATSIC to the newly established Office of Indigenous Policy within the Australian Government Department of the Prime Minister and Cabinet. The Howard Coalition Government appropriated considerable funds from ATSIC's budget to set up the Office of Indigenous Policy (Cunningham & Baeza, 2005, p. 463; Ivanitz, 2000, p. 9). It 'mainstreamed' functions relating to education and health (Malezer, 1997, p. 9) and reduced ATSIC's spending. For example, \$470 million worth of cuts were made to ATSIC over four years that affected programs such as the Commonwealth Development Employment Project (CDEP) Scheme and Housing infrastructure (Malezer, 1997, p. 9). The Howard Government mainstreamed the administration of Aboriginal and Torres Strait Islander cultural heritage protection, transferring the administration of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) from ATSIC to the Australian Government Department of the Environment in 1998.

In 2004, the Howard Government announced that ATSIC would be abolished altogether. Howard was quoted in *The Daily Telegraph* on 1 April 2004, stating that he believed the way forward for Aboriginal Australia was to deliver programs and services in 'a mainstream way':

I don't believe that anything is achieved by abolishing ATSIC and replacing it ... with other forms of representative bodies ... I think what we have to do is have the principle that everybody is treated equally, but you do have special programmes to address particular disadvantage.

(Phillips, 2004, p. 1)

At the time of its abolition, most of the areas for which ATSIC had previously had fiscal responsibility had already been mainstreamed (Behrendt, 2005). Howard intended to mainstream funding for Indigenous programs by relocating that funding to relevant mainstream line departments. In hindsight, it becomes apparent that Howard needed to abolish ATSIC, including all of its regional and state structures, to achieve his overarching agenda of mainstreaming Indigenous affairs. As Larissa Behrendt points out:

... at the time of its abolition, [ATSIC did not] have fiscal responsibility for the areas of health and education and was only a supplementary funding provider on issues such as domestic violence, languages, heritage protection and housing. In addition to this, there has also been a failure to understand that a large percentage (almost 80 per cent) of the ATSIC budget was quarantined for programs such as the Community Development Employment Program (a work-for-the-dole scheme) and the Community Housing and Infrastructure Program. These misconceptions about ATSIC's role directed attention away from government departments (federal and state and territory) with the actual responsibility for Indigenous policy and service delivery.

(2005, p. 4)

The abolition of ATSIC tied in with the 'quiet revolution' in Indigenous service delivery.

Laying the foundations for a quiet revolution in Indigenous service delivery

It is within this context of the broader rolling out of NPM in Australia that significant change to Indigenous service delivery began. The Howard Coalition Government began laying the foundations for a national fully functioning NPM Indigenous service delivery system, with its decisions to:

- abolish ATSIC
- introduce a 'quiet revolution' in Indigenous affairs
- endorse the COAG National Framework of Principles for Government Service Delivery to Indigenous Australians
- initiate the replacement of the *Aboriginal Councils and Associations Act 1976* (Cth) with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

Through the abolition of ATSIC, the Howard Coalition Government 'reassigned all of its programmes to mainstream government departments and announced a policy of whole-of-government service delivery across these various departments and agencies' (Sullivan, 2009, p. 59). It is for such reasons that Sullivan found that this new Indigenous affairs policy 'was founded in a highly politicised environment' in which 'past practices of directly funding Aboriginal communities and community organisations

was rejected' (Sullivan, 2009, p. 61). Reforms would not only see the mainstreaming of Indigenous services but also extend the marketisation of government Indigenous service delivery across Indigenous health and social services, Indigenous procurement, and commercial tendering.

At the federal level, these policies represented a pivotal policy transition away from the policies that defined the preceding self-determination era. This transition was solidified in 2006 when the *Aboriginal Councils and Associations Act 1976* (Cth), which was intended to engender self-government through the formation of Aboriginal Councils and Associations, was replaced with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth). The new act was designed to strengthen and improve governance in First Nations organisations to 'align corporate governance requirements with modern standards of corporate accountability', as well as allow 'for a range of assistance from training to a rolling program of "good governance audits"' (Entsch, 2005, p. 12). This approach assisted with the marketisation of government Indigenous service delivery. It also assisted with shifting the role of community-controlled First Nations organisations from that of community development and service provision and design with and for communities, to that of highly regulated third-party not-for-profit corporate players. The capacity of First Nations organisations to perform this new role, which required them to operate in the service market and fulfil contractual obligations to roll out government-designed programs and services, needed to be developed.

The Howard Coalition Government had already begun to create the conditions for entrepreneurship among First Nations organisations, for example through the establishment of Indigenous Business Australia, which would eventually lead to the development of an Indigenous business sector in Australia. In 2001, the Aboriginal and Torres Strait Islander Commercial Development Corporation (CDC), which was established in March 1990, became Indigenous Business Australia (IBA) through an amendment to the *Aboriginal and Torres Strait Islander Commission Act 2005* (Cth). While CDC's initial functions were to engage in commercial activities and promote and encourage Indigenous self-management and self-sufficiency, IBA shifted that focus towards improving Indigenous participation in viable businesses (Ellison, 2004, p. 1). In 2005, responsibility for the Indigenous Home Ownership Program and the Indigenous Business Development Program passed to IBA with the abolition of ATSIC (Ellison, 2004, p. 1).

The Commonwealth Development Employment Program was later abolished and replaced by the Commonwealth Development Program, which came to be seen as a highly punitive program (Finance and Public Administration References Committee, 2017). In 2007, a review of the Community Housing Infrastructure program conducted by Price Waterhouse Cooper (PWC) recommended that it too be abolished and replaced with alternative Indigenous service delivery initiatives (PWC, 2007). PWC recommended that the framework for housing and associated infrastructure:

... should be reformed and modernised and refocused so that all participants ranging from governments through to tenants are part of a new practical era – one based on national, state, regional, community and individual responsibilities and accountabilities which delivers appropriate accommodation for those most in need.

(PWC, 2007, p. 17)

In that same period, through COAG, all Australian governments pledged to 'close the gap' in Indigenous disadvantage. In 2002, COAG commissioned the Steering Committee for the Review of Commonwealth/State Service Provision to produce a regular report against key indicators of Indigenous disadvantage. The first Overcoming Indigenous Disadvantage framework would outline targets to reduce inequality in First Nations peoples' life expectancy, children's mortality, education, and employment. Three years later, COAG approved the National Indigenous Reform Agreement, which would commit governments to deliver programs across six 'building blocks' (Dawson et al., 2021). In 2002, COAG announced an initiative to improve outcomes in identified areas of Indigenous disadvantage through a whole-of-government approach, whereby governments worked with communities, known later as the COAG trials. COAG anticipated that the lessons learned from the COAG trials would be rolled out across Indigenous affairs to achieve better long-term outcomes (Morgan Disney Associates, 2006, p. 4).

While the 'quiet revolution' would increase 'competition in the delivery of services to government and on behalf of government' (Shergold, 2003, p. 1), the mainstreaming of Indigenous service delivery differed from a traditional NPM approach. With mainstreaming, Shergold stressed the difference between 'old' and 'new' mainstreaming, in which collaboration and a whole-of-government approach would be adopted for the delivery of infrastructure, services, and programs to Indigenous communities and peoples to ensure an integrated government response to Indigenous disadvantage (Shergold,

2004; cited in Pratt & Bennett, 2004, p. 9; Senate Select Committee on Administration of Indigenous Affairs, 2005, Chapter 5). Shergold's whole-of-government approach had five key characteristics. These were as follows:

- collaboration between the key agencies
- a focus on regional needs, worked out with regional voices
- flexibility of operation to enable administrative innovation to be undertaken free from the restraint of rigid program guidelines
- annual reporting against a series of socio-economic indicators
- an insistence upon the importance of joint leadership – 'a true test of collegiality' (Shergold, 2004; cited in Pratt & Bennett, 2004, p. 9).

A new taskforce was to be chaired by the Minister for Aboriginal and Torres Strait Islander Affairs. Other members would include the Minister for Transport and Regional Services, the Attorney-General, the Minister for Health and Ageing, the Minister for Family and Community Services, the Minister for Employment and Workplace Relations, the Minister for Education, Science and Training, the Minister for Communications, Information Technology and the Arts, the Minister for the Environment and Heritage, and the Minister for Justice and Customs.

The final iteration of what became COAG's National Framework for Government Indigenous Service Delivery identified that effective collaboration between Australian Government departments around service delivery to Indigenous communities and regions required the 'flexible use of funds which may involve pooling them from cross-agency projects or transferring them between programs' (COAG, 2004, p. 14). This would necessitate a 'moving away from treating program guidelines as rigid rules – [program guidelines would] be revised if they prevent innovation or fail to meet local needs' (COAG, 2004, p. 14).

As I note elsewhere, post-ATSIC the Howard Coalition Government heralded mainstreaming, mutual obligation, and shared responsibility as the way forward for Indigenous affairs. These operating principles underpinned the whole-of-government approach. However, the whole-of-government approach did not achieve its aims. Despite efforts at collaboration, silos were created, and service delivery stayed fragmented. There was no evidence of flexible approaches to funding or government accountability around Indigenous service delivery.

What's more, the government Indigenous service market was opened up to mainstream not-for-profit and for-profit organisations, as government agencies increasingly engaged mainstream not-for-profit organisations and funded them to deliver those services (Howard-Wagner et al., 2018). Indigenous services were no longer delivered as community services through community organisations, but as fragmented government services through a mix of predominantly non-Indigenous mainstream and community organisations. This change, along with short-term funding and the discontinuation of successful Aboriginal programs, resulted in the loss of local capacity, knowledge, and experience in Aboriginal service delivery in NSW. On the surface, the Howard Coalition Government's motivation for the 'quiet revolution' centred around the wicked problem of long-term and entrenched Aboriginal and Torres Strait Islander disadvantage. The 'quiet revolution' was 'heralded as a new way of doing business' (Vanstone, 2005, p. 1). Yet, Indigenous service delivery reform was approached from a political and normative standpoint. Community organisations were politicised. The 'quiet revolution' was presented as a panacea to First Nations organisations acting as 'intermediaries' and 'claiming to speak for Indigenous Australians' (Vanstone, 2005, p. 1). Community organisations were discursively constructed as the problem, with statements about how they 'may be controlled by one family group that doesn't necessarily speak with or for the others in the community' (Vanstone, 2005, p. 1).

According to proponents, true neoliberal market economy service delivery procurement has the potential to provide significant employment, capacity building, economic opportunities, and even wealth creation. While the creation of a government Indigenous service market encouraged the productive participation of First Nations organisations in the market economy and promoted entrepreneurial initiatives, changes to government Indigenous service delivery were not simply aimed at projecting Indigenous people into the market economy. As this chapter illustrates, the Howard Coalition Government's aim to institute and provide the foundations for this new economic and social order was highly interventionist, once again attempting to restructure the cultural, communal, and place-based origin of First Nations organisations. The Howard Coalition Government sought to shape and regulate First Nations organisations, targeting their systems and governance structures.

Through its 'quiet revolution' in Indigenous service design and delivery, the Howard Coalition Government not only abolished ATSIC and mainstreamed Indigenous service delivery, but it also created a government

Indigenous service market. The Howard Coalition Government wound back the capacity of community organisations to be self-determining (Howard-Wagner et al., 2022). It took decisions about service design and delivery out of the hands of First Nations communities, who had been designing social infrastructure, programs, and services to meet the needs of local First Nations people through community First Nations organisations since the 1970s. Up to that point, community control had been situated in Australian policy as an act of self-determination (Howard-Wagner, 2021). For First Nations people, the objective of community control was to strengthen and empower First Nations communities and people. In receiving government grants to design and deliver their own programs and services, some First Nations communities had even been charting the way to a self-determined economy in urban settings (Howard-Wagner, 2021). Policy reform not only diminished the capacity of community organisations to design their own social and economic infrastructure, programs, and services, but also the capacity of First Nations people to privilege Indigenous ways of knowing, being, and doing. Policy reform diminished the capacity of those organisations to act in the wider interest of collective care and wellbeing at the local and regional levels. Policy reform diminished the capacity of communities to develop a workforce, capital infrastructure, and service provision through community organisations. Policy reform diminished the capacity of First Nations people to chart the way to self-determined economies in urban settings (Howard-Wagner, 2021).

Conclusion

The Howard Coalition Government's motivation for Indigenous policy reform centred around the wicked problem of entrenched Indigenous disadvantage, which it sought to solve through a 'quiet revolution' in Indigenous service delivery. In so doing, the Howard Coalition Government was applying a mainstream solution to a complex problem and approaching the problem from a political and normative standpoint. While the Howard Coalition Government laid the foundations for a complex Indigenous service system, at the same time its solution to overcoming Indigenous disadvantage through mainstreaming Indigenous services and creating a government Indigenous service market remained contested by First Nations people. First Nations people had their own ideas and preferences around how the complex problem of entrenched disadvantage experienced by First Nations people should be addressed, as well as the policy cause of 'Indigenous disadvantage'.

The Howard Coalition Government wilfully ignored the recommendations of various government inquiries, which had argued and substantiated why the community-controlled sector should be bolstered through greater autonomy and authority to make decisions about services and better financing. The approach of block funding had been suggested for community-controlled First Nations organisations by the Royal Commission into Aboriginal Deaths in Custody in 1991 (1991, Paragraph 27.3: Recommendation 190). In 2001, the Commonwealth Grants Commission (CGC) Indigenous Funding Inquiry recommended that Aboriginal and Torres Strait Islander people should have authority to make decisions about the services they receive, be involved in decision-making for mainstream services, and ideally, even control the funds to provide the services (CGC, 2001, p. xiii). The intent was for funding arrangements to change to 'enable community control of service provision as far as practicable' (CGC, 2001, pp. xv–vi).

In abolishing ATSIC and mainstreaming the Indigenous service system, the Howard Coalition Government took control of Indigenous services out of the hands of communities and their organisations. First Nations community organisations were intended to be self-determining, and community control over the establishment and running of First Nations organisations had built the strength and empowerment of First Nations communities and people. Howard not only narrowed the focus of that system to that of closing the gap, but he also laid the foundations for a system that focused on individual needs and compartmentalised those needs into specific areas. While driven federally, the person-centred approach of the system has completely altered Indigenous services nationally, including in NSW.

This is not to say that Indigenous rights cannot exist within the context of an Indigenous service market (Howard-Wagner et al., 2018, p. 12). What happened in Australia was unique. As Howard-Wagner, Bargh, and Altamirano-Jiménez point out,

historically excluded, First Nations peoples are encouraged to integrate into the global economy and realise their newly recognised rights to development via the market and self-government, which fit well with the reduction of the state and the transfer of administrative responsibilities.

(2018, p. 12)

In a true market economy, service delivery procurement has the potential to provide significant employment, capacity building, economic opportunities, and even wealth creation, if it operates in the Indigenous

interest. Instead, Indigenous service delivery procurement and contracts have been highly restrictive, with Australian governments focused on maximising cost-effectiveness. Australian governments have controlled the supply of government services and programs to First Nations people, setting the demand and prices in the Indigenous service economy top-down. The Indigenous service market has not only been highly paternalistic, but a strong disconnect has existed between local needs and priorities and what the Indigenous service market provides. The problem is that not only have Australian governments largely failed to integrate the right to self-determination, development, and self-government into the framework of the government Indigenous service market, but they have also failed to work with communities to determine community needs and priorities.

The Howard Coalition Government also ignored developments in Indigenous service delivery internationally. In Aotearoa New Zealand, ‘policy opportunities to decrease the size of the state created opportunities for Māori to increase their collective wealth and build the Māori asset base’ (O’Sullivan, 2018, p. 241). As O’Sullivan notes, ‘Māori have also been able to take greater responsibility for their delivery of public services, which has, in turn, enhanced self-determination’ (2018, p. 242). In Aotearoa New Zealand, ‘agency is privileged over subservience and perpetual victimhood’ (O’Sullivan, 2018, p. 242). In that context, as O’Sullivan writes, ‘Māori economic entities have positioned themselves to pursue collective interests and challenge the constraints of a neoliberal order while simultaneously pursuing its possibilities’ (2018, p. 242). This was not the case in Australia.

The marketisation of Indigenous service delivery disregarded self-determination, local decision-making, and Indigenous governance. It stifled growing urban Indigenous economies, such as in Newcastle and Western Sydney (Howard-Wagner, 2021). It ignored the 30-year-old movement for community control in urban settings that started in Redfern in the 1970s. First Nations peoples in cities had created community-controlled corporations whose functions inhabited multiple economic, political, social, and cultural spaces, and, as a result, created various connections with disparate elements of the broader economy (Howard-Wagner, 2021).

First Nations corporations were founded on Indigenous principles and their governance and operations were guided by Indigenous principles, values, and practices.²

The marketisation of Indigenous service delivery did not eliminate First Nations organisations; however, the Howard Government mainstreamed the delivery of government Indigenous services, resulting in the high involvement of white not-for-profit providers and for-profit providers in government Indigenous service delivery. The Howard Government stopped listening to the voice of representatives of community-controlled First Nations organisations, who had long been lobbying on the part of their communities. These two changes alone curtailed First Nations peoples' capacity to be engaged in decision-making about First Nations service delivery. On top of this, policy, funding, and regulation meant that market principles now permeated First Nations business practices, constituted them as market actors, and inculcated them into a market culture. In the eyes of the Howard Government, First Nations organisations were now seen as businesses, enterprises, and government social and health care providers in an open, competitive market. They were now in funding competition with white organisations to deliver individualised government initiatives, including social and health care, to First Nations people (Howard-Wagner, 2018a, 2018b; Howard-Wagner et al. 2018). At the same time, in designing the market, government departments defined the Indigenous services and programs to be exchanged, and constructed the social arenas and rules for market exchange (Meagher et al., 2022, p. 21; Vogel, 2018, p. 15).

In line with this agenda, the federal Indigenous Advancement Strategy was introduced in 2014, under the Abbott Coalition Government, seeing 65 per cent of federal funding for Indigenous service delivery going to large mainstream not-for-profits and the corporate sector, and only 21 per cent to community-based First Nations organisations (Howard-Wagner, 2018; Page, 2018). These policy changes were intended to shift the focus not only onto service delivery, but also to a market discipline in the creation

2 The first appointed Chair of ATSIC, Lowitja O'Donoghue, stated in 1995: The most significant achievement in this area [move toward self-determination] has been the establishment in March 1990 of the Aboriginal and Torres Strait Islander Commission (ATSIC), of which I am the Chairperson. For the first time in Aboriginal and Torres Strait Islander affairs, Indigenous Australians were given the right to make decisions affecting their lives. ATSIC was the culmination of almost 20 years of Commonwealth Government involvement in Indigenous affairs and represents a radical departure from the bureaucracies and advisory committees of the past. No other country has a similar body to allow Indigenous people to determine the public administration of their own affairs. (O'Donoghue, 1995)

of a government Indigenous service market that strongly aligned with overcoming Indigenous disadvantage, or what in 2008 came to be known simply as ‘closing the gap’. In keeping with a market mentality, Indigenous service providers were judged solely on their ability to carry out the provision of services in an efficient and cost-effective way.

In many areas of Indigenous service delivery, predominantly non-Indigenous not-for-profit and for-profit organisations moved further into the business of Indigenous communities in urban NSW (Howard-Wagner, 2018a, p. 93). And, increasingly, large national organisations with existing infrastructure, head offices, and national policy departments, which are better equipped to offer the best value for money, have won contracts and pushed small community-controlled First Nations organisations out of the market or onto its fringes (Howard-Wagner, 2011, p. 93; 2016). The delivery of Indigenous services by non-Indigenous organisations has been reinforced through federal Indigenous policy and funding practices. For example, under the first round of the federal Indigenous Advancement Strategy in 2014, mainstream organisations were encouraged to apply for funding, but to ‘focus on delivering measurable outcomes for Indigenous people in the Government’s priority areas’ and to ‘encourage service providers to look at the grant round and consider how their proposals may fit’ (Scullion, 2014, p. 1). It has been argued that ‘almost 600 non-Indigenous organisations, charities and corporations are being given hundreds of millions of Australian taxpayer dollars under [the Australian federal government’s] Indigenous Advancement Strategy (IAS)’ (Cross, 2021, p. 1). That is:

over \$1.6 billion is currently being paid to 589 non-Indigenous entities under the Strategy – approximately 39 per cent of IAS funds – with many wealthy organisations taking on extra taxpayer dollars to deliver strategies with minimal results.

(Cross, 2021, p. 1)

This chapter has shown how Howard-style neoliberalism, continued by the Abbott Coalition Government in more recent years, repositioned Indigenous rights in Australia. The government Indigenous service market became the means by which to bring this into effect.

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3

‘You can have a voice but you gotta pay your own bus fare’: The First Peoples Disability Network

June Riemer, Karen Soldatić, and Kim Spurway

Introduction

This case study focuses on Australia’s peak First Nations disability advocacy organisation, the FPDN, an Aboriginal community-controlled organisation based in Sydney South, NSW, Australia. This chapter was co-produced by FPDN and two Western Sydney University researchers. The chapter represents the firsthand accounts from the lead author, June Riemer, Deputy CEO of FPDN, and members of the FPDN board of directors on co-managing a First Nations organisation in the NPM era, situating these experiences within the broader context of intersectional challenges within the disability and Indigenous sectors. Riemer and co-author Karen Soldatić, Australian Research Council Chief Investigator, worked together to coordinate the interviews with the FPDN board and executive team members from late 2019 through to the end of 2020, with interviews occurring both face to face and online due to the COVID-19 pandemic. Soldatić and Riemer were involved in the initial design of the research project and Riemer was the co-chair of the Indigenous Advisory Research Group throughout the four-year study, therefore taking a leadership role in the study’s research design, survey, and implementation throughout.