ATSIC

Submission to the

House of Representatives Standing Committee into

The Needs of Urban* Dwelling Aboriginal and Torres Strait Islander Peoples

By the

Aboriginal and Torres Strait Islander Commission
October 2000

* Population centres of more than 1000 people and includes peoples living in or near country towns of this size.

Contents

EXECUTIVE SUMMARY

The role of the Aboriginal and Torres Strait Islander Commission

The Aboriginal and Torres Strait Islander Commission was established in 1990 to be the main Commonwealth agency in Aboriginal and Torres Strait Islander affairs. Our Act gives us a variety of functions including the responsibility to:

- develop policy proposals to meet national, State, Territory and regional needs and priorities,
- advise the Minister on legislation, and coordination of activities of other Commonwealth bodies,
- protect Aboriginal and Torres Strait Islander cultural material and information, and
- formulate and implement programs.

In exercising these responsibilities ATSIC has given Aboriginal peoples and Torres Strait Islanders a stronger political voice. On the one hand, the most prominent Indigenous agency, ATSIC is often blamed for the fact that our people remain gravely disadvantaged. On the other hand it is not widely understood that ATSIC's budget is meant to supplement the funding provided by the Government to other Commonwealth, State, Territory and Local Government agencies.

Who has responsibility

Mainstream government agencies, Commonwealth, State, Territory and Local, have tended to regard Aboriginal peoples and Torres Strait Islanders needs as the responsibility of ATSIC. In fact all governments and their agencies have a responsibility to address the needs of all their citizens, Indigenous and non-indigenous.

Many Governments and their agencies do not have the expertise, information or capacity to meet the needs of Indigenous peoples. ATSIC is more than willing to work with these governments and agencies to overcome these difficulties. As an advocate of Indigenous peoples we know we cannot effectively perform the role without working relationships with a range of institutions.

At the centre of our core business is our relationship with the Aboriginal peoples and Torres Strait Islanders of Australia, particularly the development of community and regional plans which identify the priority needs of our peoples. This work forms the basis of our policy advisory work and advocacy for Commonwealth, State, Territory and Local Government policy makers and service providers.

However as stated above, ATSIC is often frustrated in its attempts to develop the necessary partnerships with Commonwealth, State, Territory and Local Government agencies because of the myth that ATSIC is the agency with sole responsibility for service provision to Aboriginal peoples and Torres Strait Islanders. All government

funded institutions have a responsibility to provide effective and efficient services to Aboriginal and Torres Strait Islander Australians.

ATSIC's Budget

There is systemic ignorance of ATSIC's role and capacity to provide services. The much quoted figure of $2.3m Commonwealth funding for services to Aboriginal peoples and Torres Strait Islanders is mistakenly understood to be expended primarily by ATSIC.

The ATSIC budget for 2000-2001 is $1.1m. This is appropriated by the Federal Government to ATSIC against the following expenditures:

Community Housing Infrastructure Program*	90.351
Community Development Employment Projects*	427.047
National Programs**	294.537
Regional Council Discretionary	54.401
Operational Costs	129.110
Capital User Charge	51.500

* These amounts are quarantined by the Minister under the ATSIC Act
** These amounts are quarantined by the Board of Commissioners

ATSIC's Priorities

There is very clearly insufficient funding available to respond to the unfulfilled responsibilities of other government agencies and certainly insufficient to meet the needs identified in Regional Council Plans. In 1996 when the Federal government cut the ATSIC budget the Board was forced to make some very hard decisions about how the cuts would be accommodated. Four principles were determined for future funding priorities when making decisions on the application of its remaining budget. These are activities which:

• promote the distinct identify of Indigenous Australians
• preserve Indigenous cultural heritage
• enhance the rights of Indigenous peoples; and
• are services not provided by other agencies.

Role of Partnerships

ATSIC places very strong emphasis on the need to establish partnerships at all levels and in all areas to bring about positive change in Indigenous circumstances. Advocating for Indigenous rights is a core function of our elected representatives. However, the Act establishing ATSIC leaves us in an ambivalent position. We are not a department of State with a minister representing us in Parliament, nor are we outside government. ATSIC has quite legitimately sought and received Category II non-government organisation (a nationally representative NGO) status in consultation with the Economic and Social Council of the United Nations. This means that ATSIC may

independently attend, speak at, and submit papers to UN for a and meets conducted by the Council. This status however is used as a tool to exclude us from involvement in government decision making – while simultaneously ATSIC is held responsible for the circumstances of Indigenous Australians.

ATSIC believes there is a need for change. Throughout the past year we have been undertaking investigations into the possibilities of providing greater regional autonomy to Aboriginal peoples and Torres Strait Islanders to improve their access to local and regional decision making, be they in rural encapsulated communities or dispersed urban settings. Aboriginal peoples and Torres Strait Islanders have a right to culturally appropriate and responsive policy and service delivery wherever they are. Cultural maintenance and development may require different responses but it must always be in accord with local community wishes. This again can only be achieved through partnerships. A partnership is nothing without associates who are willing to work with you and honour the agreements struck.

The *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal peoples and Torres Strait Islanders* signed by all Australian governments in 1992 provides a framework for inter-governmental cooperation. Under the *National Commitment*, Commonwealth, State, Territory and Local Governments agreed to a set of national objectives, guiding principles and shared responsibilities to effect change in an acknowledgment of Aboriginal peoples and Torres Strait Islanders right to a place and a contribution to Australian society, and, a share in Australia's land, wealth and resources. This was an historic document.

Though progress has been slow we have seen bilateral agreements evolve in the areas of housing, essential services and infrastructure as well as health, but not in all States and Territories. The Ministerial Council for Aboriginal and Torres Strait Islander Affairs has taken a keener interest in pursuing the objectives of the *National Commitment* in 2000, and we look forward to a reinvigoration of the initial motives.

ATSIC for its part, has undergone an administrative and corporate restructure and decided to hold a meeting of the ATSIC Board in each State and Territory every three (3) years. The aim is to facilitate improved access by our community people to their Board as well as improve our partnerships with State and Territory governments. We have been to Victoria and Western Australia in 2000 and plan to visit another three States in 2001. The visits undertaken thus far have both resulted in the successful negotiation and signing of a communique. These agreements will hopefully lay a strengthened foundation for our joint efforts in policy development and service delivery. We have also had an exchange of correspondence with the Australian Local Government Association (ALGA) regarding the development of a Memorandum of Understanding by mid 2001.

Inquiry Reference

ATSIC has taken a very broad approach to the terms of reference of the inquiry into the needs of Urban Dwelling Aboriginal peoples and Torres Strait Islanders as it addresses 86% of our peoples directly and many more indirectly who have to commute to urban areas.

As outlined above, the emphasis must be on partnerships which recognise the rights of Aboriginal peoples and Torres Strait Islanders to be involved in the development and delivery of services which directly affect them and their families. This is a recurring theme through the various sections of the attached submission in which we have addressed our relationships with the three spheres of government, the major program areas of ATSIC, as well as the needs of urban youth, and mainland Torres Strait Islanders.

Without restating the detail contained in the submission, the issues we would like to draw to the Committee's attention for its examination and consideration are these major themes:

Involvement in Decision-making
1.   As a first principle Aboriginal peoples and Torres Strait Islanders and their service organisations, should be represented in all decision-making fora for the purposes of having Indigenous peoples positively influence policy development and service delivery to Indigenous peoples.
2.   Renewed efforts by all Australian governments to engage with Aboriginal peoples and Torres Strait Islanders to deliver outcomes within an agreed framework as outlined in the *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders*.
3.   Support for the development of governance structures that strengthen the decision-making power of Aboriginal peoples and Torres Strait Islanders.
4.   A national public education campaign featuring Aboriginal and Torres Strait Islander youth aimed at highlighting the histories, cultures and contemporary face of Indigenous peoples living in urban areas for the purposes of involving Indigenous youth living in urban areas in positive social contexts and thereby directly or indirectly improving the health, education, employment or socio-economic status of young Indigenous peoples living in urban areas.

Maintenance of Cultural Heritage and Intellectual Property Rights
1.   Minimum cultural heritage maintenance measures must include:
   •   the establishment of cultural and heritage centres employing local Indigenous staff
   •   respect of the rights and access by Indigenous peoples to good legal representation and advocacy
   •   protection of individual and collective rights including cultural and intellectual property rights
   •   the provision of employment, education and training in heritage, culture and language
   •   support for community controlled organisations for arts, dance, language and broadcasting
   •   establishment of an Indigenous media focus group including TV, radio, and print
   •   exposure of Indigenous arts and culture at sporting and cultural events
   •   protection of sites and objects of significance and funding to ensure their return

- research, retrieval, maintenance and promotion or cultural heritage by Indigenous peoples
- community control by Indigenous peoples of the dissemination of cultural heritage
- acceptance that Indigenous peoples and non-indigenous peoples have somewhat different life-styles and values

for the purposes of,

- increasing the appropriates of existing programs and services to Indigenous peoples living in urban areas
- extending the involvement of urban, Indigenous peoples in community decision-making
- increasing the involvement of young, urban, Indigenous peoples in community issues
- maintaining Indigenous culture in urban areas
- promoting the economic independence of Indigenous peoples
- improving the living conditions of Indigenous peoples living in urban areas by generating pride and broader community involvement in Indigenous cultures.

Education, Training, Employment and Opportunities for Economic Independence

1. As a first principle Aboriginal peoples and Torres Strait Islanders and their service organisations, should be represented in education, employment and training decision-making fora for the purposes of having Indigenous peoples positively influencing policy development and service delivery to Indigenous peoples in country and metropolitan urban areas.
2. The development of affirmative action strategies to increase the opportunities for Aboriginal peoples and Torres Strait Islanders in the education, employment and training industries for the purposes of directly and indirectly improving socio-economic status of young Indigenous peoples living in urban areas.
3. English as a Second Language (ESL) qualifications should be requisite for teachers of Indigenous students for the purposes of maintaining the use of Aboriginal and Torres Strait Islander idioms in education, employment and training fora.

Health

1. An urgent commitment is required by all Australian governments to reflect the citizenship rights of Aboriginal peoples and Torres Strait Islanders in health policy development and service delivery for the purposes of reducing the disadvantage, poverty and incidence of youth suicide in urban communities.
2. All Australian governments to commit to sponsoring the training of an Indigenous health workforce for the purposes of extending the involvement of urban Aboriginal peoples and Torres Strait Islanders in decisions related to health policy, and health service implementation, evaluation and management.
3. Health service delivery targeted at Aboriginal peoples and Torres Strait Islanders under the age of 24 years to improve the relevance to Indigenous young people of information about health and primary health care.

4. The maintenance and extension of a network of primary health care services managed by Aboriginal peoples and Torres Strait Islanders for the purposes of maintaining Indigenous cultures in urban areas.
5. Delivery of information about health and health care to Aboriginal peoples and Torres Strait Islanders for the purposes of increasing awareness in urban Indigenous communities about health issues.

Youth
1. Young, urban Aboriginal peoples and Torres Strait Islanders should be appointed to a range of key government task forces for the purposes of improving the appropriateness of policies, programs and services for young peoples.
2. All spheres of government should engage in discussions with young, urban Aboriginal peoples and Torres Strait Islanders for the purposes of program and policy development to increase their decision-making power and develop the capacity of the next generation.
3. Support for convening community fora to arrive at strategies to address the specific needs of young Aboriginal peoples and Torres Strait Islanders living in urban areas.
4. Support for the broadening of services that generate creative participation by young, urban, Aboriginal peoples and Torres Strait Islanders for the purposes of improving directly or indirectly the health, education, employment and socio-economic status of young, urban, Indigenous peoples.

Mainland Torres Strait Islander issues (prepared by the Office the Torres Strait Islander Affairs)
1. A recognition of the full diversity of mainland Torres Strait Islander issues in all policy and program fora by representation of mainland Torres Strait Islanders on Commonwealth, State and Local Government decision-making bodies including the ATSIC Board of Commissioners and Regional Councils, the National Indigenous Health Council and Youth Round-Table.
2. Recognition of "*Ailan Kastom*" (Island Custom) involving customary child care practises and customary adoption within Torres Strait Islander culture.
3. Recognition, maintenance and promotion of Torres Strait Islander culture in all State and Territory Indigenous cultural centres to ensure community wide recognition and ensure that future generations of mainland Torres Strait Islanders maintain their cultural links.
4. A national office staffed by Torres Strait Islanders to implement the priorities and goals of the National Aboriginal and Torres Strait Islander Education Policy Statement (NATSIEP) so that specific measures can be taken to improve the educational outcomes for Torres Strait Islander children in formal schooling.

Partnerships with Local Government

1. An agreement by the Local Government Ministers Conference to improve national data collections on service delivery to Aboriginal peoples and Torres Strait Islanders and provide annual reports under the Commonwealth *Local Government (Financial Assistance) Act 1995* against agreed participation and service delivery benchmarks.

2. The Australian Local Government Association (ALGA) and member Associations and their councils support the employment of Aboriginal and Torres Strait Islander Liaison Officers in all local government jurisdictions with Aboriginal and Torres Strait Islander populations in excess of 200 peoples.

3. Support for the development of a whole-of-community approach to planning and service delivery including the provision of cultural awareness training to all local government staff for the purposes of maintaining and protecting Aboriginal and Torres Strait Islander cultures in urban areas.

Community Development Employment Program (CDEP)

1. Support for making better use of existing programs, specifically, the Indigenous Employment Program, the Numeracy and Literacy Program and the Disability Support Program, so that the overall impact of the interaction of all skills and training based programs can be better managed and increase the access of urban Aboriginal peoples and Torres Strait Islanders, to mainstream employment or training programs.

2. Significantly increasing the quality of on-the-job training for young Aboriginal and Torres Strait Islander employees for the purposes of broadening work skills and improving directly or indirectly the health, education, employment and socio-economic status of young, urban Indigenous peoples.

3. Incentives for the private sector to employ, train or extend the work opportunities for Aboriginal peoples and Torres Strait Islanders for the purposes of generating economic independence for urban Indigenous peoples.

Legal & Preventative

1. An all Australian government guarantee of quality, culturally appropriate, equitable and accessible legal aid assistance to Aboriginal peoples and Torres Strait Islanders, particularly through Aboriginal and Torres Strait Islander Legal Services.

2. A commitment to culturally appropriate preventative, diversionary and rehabilitative services particularly linked to employment or education for urban Aboriginal peoples and Torres Strait Islanders.

3. An emphasis on programs to reduce family violence, the effect of family violence on young Aboriginal peoples and Torres Strait Islanders and for providing some measure of safety for survivors of family violence.

4. Legislative reform to broaden the acceptance of customary law in statutory law for the purpose of recognising Aboriginal and Torres Strait Islander cultures.

Languages
1.   Aboriginal peoples and Torres Strait Islanders to be recruited to deliver language programs and services for the purposes of improving the content and effect of existing programs and services to urban Indigenous peoples.
2.   Provide assistance to Aboriginal peoples and Torres Strait Islanders to participate in language revival projects for the purposes of improving the range and subjectivity of Indigenous language used in urban areas.
3.   Support for projects to develop Aboriginal languages and Torres Strait Islander languages as school curricula for the purposes of maintaining Indigenous cultures in urban areas.
4.   Provide funding for Aboriginal peoples and Torres Strait Islanders to work on language revival projects.

Link-up
1.   An expansion by State and Territory governments of the regional link-up network for the purposes of enabling Aboriginal peoples and Torres Strait Islanders to identify hitherto unknown.
2.   Support for marketing the services offered by link-ups more broadly for the purposes of increasing awareness of the service.

Broadcasting
1.   Support for the negotiation of an agreement between the Australian Broadcasting Authority (ABA), the Aboriginal and Torres Strait Islander Commission (ATSIC) and the National Indigenous Media Association (NIMA) regarding the establishment and development of national Aboriginal and Torres Strait Islander radio services for the purposes of:
    • improving the existing services available to Indigenous peoples living in urban areas
    • extending the involvement of urban Indigenous peoples in community life
    • increasing the employment prospects of young, urban, Indigenous peoples and thereby directly or indirectly improving the health, education, employment and socio-economic status of young, urban Indigenous peoples
    • maintaining and strengthening the 'transmission' of Indigenous culture
    • stimulating interest in ways and means of achieving the economic independence of Indigenous peoples living in urban areas
    • improving the living conditions of Indigenous peoples living in urban areas by using radio transmission to promote creativity, health, education and employment.

Data Quality Collection
1.   To enable the establishment of reliable measure of the well-being of Indigenous peoples, their status relative to non-indigenous Australians and monitoring changes over time, the Australian Bureau of Statistics should identify Aboriginal peoples and Torres Strait Islanders in all its statistical collections to ensure the availability of data which identifies the cultural well-being, social and economic status of Aboriginal peoples and Torres Strait Islanders.

INVOLVEMENT IN DECISION MAKING

ATSIC's Regional Planning Process

ATSIC Elections

Electoral Education

Greater Regional Autonomy

A fundamental principle in the establishment of ATSIC was, and is, to place decision making in Indigenous affairs in the hands of elected representatives of the Indigenous community. This principle is clearly stated in the preamble to *the Aboriginal and Torres Strait Islander Commission Act 1989* (the ATSIC Act).

In April 1997, the ATSIC Board of Commissioners determined that a review of the operation of the ATSIC Act (section 26 review) should be undertaken. The review was conducted by a Steering Committee comprising representatives of ATSIC, the Office of Indigenous Affairs (Department of Prime Minister and Cabinet) and the Office of the Minister for Aboriginal and Torres Strait Islander Affairs.

In the report provided to the Minister on 23 February 1998, it was noted that:

One of the strongest messages to come from the consultative meetings and submissions has been the desire of Aboriginal peoples and Torres Strait Islanders to see more authority devolved from the centre to the local and regional levels.

Devolution has been a core objective of successive Commissions. It underlies the principles set out in its Corporate Plan 1998-2001, as the following extracts make clear:

- All Indigenous people must have access to the means to control and influence policy decisions (Principle 4)

- The most effective and long lasting outcomes are achieved when Indigenous peoples are integrally involved in all aspects of the delivery of services to the community. This involves consultation, negotiation, decision-making, service delivery, and evaluation (Principle 7).

Achievement, however, has fallen well short of rhetoric. In recent years in particular, ATSIC's capacity to make any real progress in this direction has been severely hampered by the impact of funding cuts and of Government quarantining of a major proportion of ATSIC's program funds.[i]

The report also made a number of recommendations directed at increasing the capacity of Regional Councils to accurately reflect and give effect to the needs and aspirations of Aboriginal peoples and Torres Strait Islanders, taking into account the diversity of social, cultural and economic conditions in which they live. These recommendations included:

Recommendation 17

The Act should be amended to strengthen the functions of Regional Councils, through:

a) specific empowerment to enter into agreements, on a regional or sub-regional basis, with Aboriginal and Torres Strait Islander organisations and communities, and Commonwealth, State, Territory and local governments and their agencies, for the co-ordinated provision of services to the Indigenous people of the region;

b) explicit requirement to report to the Commission and the Minister on the range of arrangements for the provision of services to the Indigenous people of the region, and ways in which effectiveness and co-ordination might be improved;

c) explicit authority to co-ordinate with the relevant Native Title Representative Body or Bodies (whose functions are complementary to those of Councils) on native title issues in the region; and

d) a requirement that Councils include in their annual reports information about the distribution of ATSIC funds to the Indigenous communities of the region, including reference to smaller communities.

Response:

Draft Act amendments, in line with Cabinet's decisions, have been prepared by the Office of Parliamentary Counsel and are presently being examined prior to acceptance by ATSIC. The report noted that many Regional Councils had already instigated successful agreements with a range of service providers, and set out details of those agreements.

Recommendation 18

The personal staffing support for Regional Council Chairpersons should be strengthened.

Response:

Dedicated policy and advocacy support staff have been made available to each Regional Council under the ATSIC 2000 restructure. Administrative functions have been grouped into a series of Network Offices, freeing resources for State level policy and advocacy activity in each of ATSIC's capital city offices, and to promote relationships with State/Territory governments and their operational agencies. It is expected that this will also assist at the regional and local level, as State/Territory agencies have responsibilities in areas of key interest to urban Aboriginal peoples and Torres Strait Islanders (such as health, housing, land management, law and justice). A National Policy Office has been established to promote policy development and advocacy at the national level, and to assist the Board of Commissioners.

<u>Recommendation 19</u>

In addition to providing specific authority for Regional Councils to enter into agreements, on a regional or sub-regional basis, with other service providers, and to co-ordinate and reach agreements with Native Title Representative Bodies on native title issues (recommendation 17), the Act should be amended to:

a)   provide for the Board of Commissioners to issue guidelines to Regional Councils for the development of regional agreements, including reporting arrangements; and
b)   provide a broad definition of the matters to be covered in a regional agreement, such as "to assist in the protection and advancement of the economic, social and cultural interests of the Aboriginal peoples and Torres Strait Islanders of the region".

Response

Cabinet has favourably considered the draft Act amendments and the Office of Parliamentary Counsel have prepared a draft Bill that has been circulated for comment.

<u>Recommendation 20</u>

The Government is asked to reaffirm the principle that structures of Indigenous self-management and self-governance must be sufficiently flexible to accommodate diversity and allow people to have a real say in how they organise their affairs, and to note that:

a)   the proposals received for a regional authority form of structure will be examined in detail, with regular reports on the feasibility of the proposals to be provided to the Board of Commissioners;
b)   the issues relating to the possible establishment of regional authorities that have been identified during the course of the review, will be taken into account in the pursuit of this further work; and
c)   provision should be made in the Act for the establishment of regional authorities after the Commission has considered and reported on the outcomes of the studies.

Response:

This is a complex issue, but progress has been made and is discussed under "Greater Regional Autonomy". The report found that, while some regions sought to explore more autonomous representative and administrative structures, others supported retaining and enhancing current ATSIC Regional Council structures.

Those seeking more autonomous structures strongly believed that there should be opportunity for community consultation before any legislative changes were considered. Generally, regional authority structures were more favoured by remote communities, where there was limited existing governance and service infrastructure

and where Aboriginal peoples and Torres Strait Islanders formed a greater proportion of the resident population.

In metropolitan and urban areas, there appeared to be a greater tendency to explore partnership agreements with existing government structures and service providers (including business and industry groups).

ATSIC regional planning process

One of the objects of the *Aboriginal and Torres Strait Islander Commission Act, 1989* is to:

- ensure co-ordination in the formulation and implementation of policies affecting Aboriginal persons and Torres Strait Islanders by the Commonwealth, State, Territory and Local Governments, without detracting from the responsibilities of State, Territory and Local Governments to provide services to their Aboriginal and Torres Strait Islander residents.

The 35 ATSIC Regional Councils set up by the ATSIC Act are each responsible for formulating a regional plan for improving the economic, social and cultural status of Aboriginal and Torres Strait Islander residents of the region. They are also charged with the responsibility of assisting government bodies (local, state and federal) in the implementation of the regional plan.

Until recently ATSIC expenditure in relation to the region has tended to consume much of the Council's time. To counteract this, an administrative restructure of ATSIC earlier this year has placed more resources at Council disposal for planning, policy development and related advocacy through the establishment of Regional Policy and Advocacy Units.

The restructure has also increased state level policy and advocacy through the establishment of State Policy and Advocacy Centres. These Centres have a capacity to develop policies at the State and Territory level and to address local issues of State, Territory and National significance.

To ensure Aboriginal peoples and Torres Strait Islanders are provided with equitable representation, ATSIC's electoral and representative arrangements are based on 35 regional areas representing population ranges of 2,156 in the Ceduna region to 38,700 in the Sydney region. Increasingly the authorities to which the Regional Councils wish to relate do not have state or territory regional offices and making dialogue and joint planning or service delivery difficult.

To overcome this obstacle of other government and agency non-responsiveness ATSIC and our Regional Councils are working to achieve recognition and understanding of the pre-existing and ongoing right of Indigenous peoples to be involved in decision making affecting them and their communities. It has unfortunately fallen to Aboriginal peoples and Torres Strait Islanders to improve community information and awareness of the needs and rights of Indigenous peoples

to participate in mainstream community groups. In the absence of federal government education campaigns to correct past inaccuracies in Australian history Councils have established or are trying to establish joint consultative forums for issues affecting Aboriginal peoples and Torres Strait Islanders. It is in these fora that regional plans that are inclusive of regional needs can be especially valuable tools. In response to this the ATSIC 2000 restructure has increased the resources available to Regional Councils to participate in policy and advocacy initiatives.

Recommendation:

That the federal government fund the development and marketing of national public education campaigns highlighting the histories, cultures and contemporary importance of Aboriginal peoples and Torres Strait Islanders.

Recommendation:

That Federal, State Territory and Local Government are actively encouraged to work with ATSIC Regional Councils in negotiating regional priorities and delivery to Aboriginal peoples and Torres Strait Islanders.

ATSIC Elections

ATSIC's representative structure is based on direct election of representatives, of and by Aboriginal peoples and Torres Strait Islanders. There are 387 elected members across 35 Regional Councils covering mainland Australia and Tasmania. Members of these Regional Councils, in turn, elect the members of ATSIC's Board of Commissioners.

The Australian Electoral Commission on the basis of provisions within the ATSIC Act and associated legislation conducts elections. Section 113 of the ATSIC Act provides that ATSIC elections as nearly as possible mirror electoral arrangements for mainstream parliamentary elections, especially those currently relating to elections for the Australian Senate.

As noted by the Centre for Aboriginal Economic Policy Research (CAEPR) in an analysis of ATSIC elections published earlier this year[ii], involvement in ATSIC's electoral processes is equivalent to or better than involvement in other Australian non-compulsory elections (mostly local government elections in some States).

The CAEPR analysis demonstrates that Aboriginal peoples and Torres Strait Islanders living in urban areas "face somewhat abnormal access issues and transport tasks in attempting to vote at ATSIC election polling booths". By way of example, in Victoria at the 1999 referendum there were a total of 1773 polling places. In the 1999 ATSIC Regional Council elections, there were 60 polling places in that State. Within the greater Melbourne area, there were around 851 polling places at the 1999 referendum[iii], and 33 polling places (including two mobile polling teams) at the Regional Council elections the following month[iv]. In the Division of Herbert (Townsville, Qld), there were 51 polling places at the referendum, and only 9 polling places (including one mobile polling team) at the ATSIC elections in the corresponding Townsville and Palm Island wards.

With a few notable exceptions, Indigenous populations are now generally dispersed within metropolitan and urban centres. However, total Indigenous population counts meant that a small number of polling places in most metropolitan and urban centres relative to parliamentary elections, are dedicated for ATSIC's elections. The location of these polling places inevitably becomes a matter of 'best fit', through consultation between local AEC and ATSIC staff. Regardless of the effectiveness of such consultations, significant numbers of potential voters in urban areas are inadequately serviced at ATSIC elections.

Non-attendance voting arrangements (such as postal voting) for urban Indigenous people are not available, as no standing record is available of eligible Aboriginal and Torres Strait Islander voters. It would therefore not be possible to adequately target potential voters, or to ensure the eligibility of voters.

An option may be to extend the number and coverage of mobile polling arrangements, but this is a costly means of taking votes and could be expected to substantially increase the overall cost of conducting Regional Council elections.

ATSIC is concerned that the difficulty associated in accessing polling places for Aboriginal peoples and Torres Strait Islanders in urban areas restricts their participation in ATSIC elections, and therefore their inclusion in the self-management and regional decision-making aspects of ATSIC's operations.

Electoral education

ATSIC remains concerned that, following the abolition of the Aboriginal and Torres Strait Islander Electoral Information Service (ATSIEIS) in 1996, there are insufficient appropriate information and education activities directed at Indigenous Australians, including those living in an urban setting.

It is difficult to adequately quantify electoral participation and behaviour by Aboriginal peoples and Torres Strait Islanders, as they are not separately identified in any way for electoral purposes. While demographic information is available via census data at the electoral division and ATSIC electoral ward level, there is no reliable way of linking this information to levels of electoral enrolment and participation. Anecdotal evidence suggests that electoral enrolment by Aboriginal peoples and Torres Strait Islanders is significantly below overall enrolments, especially in regional urban centres, and among younger potential voters (up to 25 years of age).

In addition, roll maintenance would appear to be a substantial issue for urban Aboriginal peoples and Torres Strait Islanders. This is evidenced by an analysis of ATSIC Regional Council election outcomes. Nationally, at the 1999 Regional Council elections, 49,252 Aboriginal peoples and Torres Strait Islanders attempted to vote. Of those votes, 5,670 (11.5%) were 'rejected' by polling officials[v]. The most common reason for rejection of votes was that the voter was not enrolled, or was incorrectly enrolled, on the Commonwealth Electoral Roll (CER).

While generally, the situation is better in urban areas than in rural and remote areas, for example, the proportion of 'rejected' votes in the ATSIC Kununurra and Port

Augusta regions was 12.7% and 21.3% respectively, whereas in the Brisbane and Wagga Wagga regions, it was 10.1% and 8.7% respectively this figure is too high. It is particularly concerning when you consider the numbers in the context of voluntary elections.

It is clear from these figures that, in metropolitan and urban areas, at least one in 10 Aboriginal peoples and Torres Strait Islanders are either not enrolled, or not correctly enrolled, on the CER. Accepting the proposition that people inclined to attempt to vote in ATSIC elections would in general be more politically aware and active than some of those people who did not attempt to vote, the actual proportion of Aboriginal peoples and Torres Strait Islanders not properly included on the CER is likely to be higher again that these figures would indicate.

Interestingly, the proportion of informal votes, nationally, compared favourably with informal voting rates in the 1998 Senate elections – the most recent equivalent national poll. In the ATSIC elections, around 2.6% of votes were informal, as against 3.2% for the Senate poll. This would appear to suggest that where electoral information and awareness activities have reached Aboriginal peoples and Torres Strait Islanders, it has been effective.

Greater Regional Autonomy

In September 1999, the then Chairman of ATSIC, Gatjil Djerrkura and the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron, jointly released a discussion paper entitled Regional Autonomy for Aboriginal and Torres Strait Islander Communities[vi]. This discussion paper sought consideration of, and comment on, ways of achieving regional and local autonomy. The discussion paper spoke both of building on current ATSIC structures and/or building on other structures, such as regional authorities.

Thirty six (36) written submissions were received in response to the discussion paper, largely from Commonwealth or State/Territory Ministers or government agencies supporting discussions on the issue. Submissions were also received from Indigenous community organisations and a round of consultations was held with ATSIC's Regional Councils.

Report on Greater Regional Autonomy

In June 2000 the Board of Commissioners endorsed the Report of Greater Regional Autonomy which recommended that "agreement-making should receive priority as an effective means of progressing autonomy for Indigenous peoples. Further consideration of the establishment of regional authorities should be made secondary until Regional Councils have given consideration to a framework for the operation of regional agreements"[vii]. The report recommended that there be further investigation, whether through research or modelling, of the possible approaches to greater regional autonomy.

ATSIC is assisting with the development of regional autonomy models and to promote further discussion and interest in this issue. To date, funding has been restricted, and has been made available to organisations that have demonstrated a

long-term commitment to this issue. A number of regions have begun consideration of greater regional autonomy issues and are working with their local peoples, organisations and agencies to develop local partnership models for increased autonomy. These areas include the Murdi Paaki Regional Council in New South Wales (NSW), the Kimberley area of Western Australia (WA), the Miwatj Regional Council in the Northern Territory (NT) and the Port Keats/Wadeye community (also in the NT).

At the administrative level, ATSIC will continue to support developments towards greater regional autonomy through information exchanges. ATSIC wants to ensure that stronger decision making powers are made available to Aboriginal peoples and Torres Strait Islanders at the regional level. It sees the progression to this aim being a 'bottom up' approach of empowering community people through consultation and discussion. It does not support a 'top down' approach centred on the application of a single model, or even of a limited range of models, developed in isolation from the community.

MAINTENANCE OF CULTURAL AND INTELLECTUAL PROPERTY RIGHTS

During the last two centuries Aboriginal cultures and Torres Strait Islander culture have been systematically denied, destroyed and removed from communities and peoples. Many cultural objects and human remains were collected or stolen and deposited in Australian and overseas museums, libraries, archives, art galleries and other institutions while cultural practices such as language, dance and rituals were outlawed.

Land tenure in towns and cities has effectively blocked rights over much of the land causing loss of physical, spiritual, cultural traditions and customs. These factors have caused a tremendous loss of culture over time in urban dwelling places and it is only in the last few decades that Aboriginal and Torres Strait Islander Australians have been able to express the need for greater access and control over their land, culture and historical materials.

The chief characteristic of Aboriginal and Torres Strait Islander cultural developments in urban groups and communities is the explosion of developments and expression, and their dynamism. Maintenance of culture is not the only issue. Equally important is how to support and encourage the expression of the various Aboriginal and Torres Strait Islander cultural interests and activities, and generate more accurate and less stereotyped perceptions of our cultures in the wider society. These tasks are closely related to the needs for recognition, respect, equality, and individual and community self esteem that must underlie program provisions, if the program outcomes are to be the successful in our terms. For young people, these needs are particularly important.

Needs and related measures or strategies for maintaining culture identified in urban Regional Council Plans include:

- the establishment of cultural and heritage centres employing local Indigenous staff
- respect of Indigenous rights and access by Indigenous peoples to good legal representation and advocacy
- protecting individual and collective rights including cultural and intellectual property rights
- providing employment, education and training in heritage, culture and language
- support community controlled cultural organisations for arts, dance, language, and broadcasting
- establishment of an Indigenous media focus group including TV, radio, print
- obtain exposure of Indigenous arts and culture at sporting and cultural events
- protection of sites and objects of significance and funding to ensure their return
- research, retrieve, maintain and promote our cultural heritage
- community control of dissemination of cultural heritage
- acceptance that Aboriginal peoples and Torres Strait Islanders and non-indigenous peoples have different lifestyles

Indigenous cultural and intellectual property rights encompass not only arts related cultural expressions, but also Indigenous rights in traditional knowledge and practices relevant to the conservation and sustainable uses of biological diversity. As with art works, Indigenous peoples' rights in traditional knowledge are also subject to misuse and exploitation. Traditional knowledge of biological resources and of locations, habitats and properties of species is an increasingly valuable commodity sought after

for use in the pharmaceutical, agricultural and cosmetics industries. There is also a growing interest in 'bush foods', an emerging industry that draws extensively on Indigenous peoples' knowledge and uses of plants and plant-related substances.

Indigenous Cultural and Intellectual Property (ICIP) Task Force

The Indigenous Cultural and Intellectual Property (ICIP) Task Force was established in 1999 to help achieve reforms providing better protection for Indigenous cultural and intellectual property rights. A significant focus of the Task Force is to work with the Australian Government, industry and institutional groups and Aboriginal peoples and Torres Strait Islanders to implement the recommendations of *Our Culture, Our Future*: *Report on Australian Indigenous Cultural and Intellectual Property Rights*[viii] which analyses relevant laws, policies and administrative processes and makes recommendations for the reform of a wide range of laws, policies and administration.

The Task Force is committed to working with an interdepartmental committee on Indigenous Cultural and Intellectual Property Rights, convened by the Department of Communications, Information Technology and the Arts (DCITA). It is also forging closer working relationships with other relevant agencies such as the Department of Foreign Affairs and Trade, Environment Australia, Intellectual Property Australia and the Department of Industry, Sciences and Resources.

Inquiry on the Enforcement of Copyright

Communities have grappled for many years to preserve their culture, and to control the use and misappropriation of their cultural knowledge.   While Aboriginal peoples and Torres Strait Islanders have the same rights as other Australians to protection under the Copyright Act, the law does not recognise other significant issues specific to Aboriginal peoples and Torres Strait Islanders. Therefore, the Copyright Act does not meet *all* the needs of Indigenous Australians, particularly in relation to the protection of cultural knowledge that has been passed down orally from generation to generation and is owned communally.

ATSIC recommended that consideration be given to amending the Copyright Act to address these limitations. Separate provisions in the Act could provide for copyright-related protection and include an unlimited term of protection, no material form requirement, and encompass the collective ownership of many Indigenous creative works. These amendments might also include alternative methods for mediating copyright infringement disputes.

The inherent limitations of the Copyright Act mean that serious consideration should be given to a *sui generis* (specific) legislative framework to protect both Indigenous arts and cultural expression and Indigenous ecological (biodiversity) knowledge.

Arts and culture

Indigenous arts and culture have a very important role to play in affirming the identity of urban Indigenous communities as well as educating the wider community. Many non-indigenous people first encounter Aboriginal cultures or Torres Strait Islander cultures through art galleries.

Unfortunately, Indigenous artists experience great difficulty in getting their works recognised. For example, there are a bevy of people between the creator of the artwork and when it reaches mainstream galleries. These people are positively and negatively interfering with Indigenous artists' rights to produce their works. Indigenous people face the potential exploitation, especially when selling work on consignment. It takes many months for work to be sold and often Indigenous artists want money up front. There are times when the money for the artwork is paid up front; however, the works are then sold at a later date for a sizeable profit.

The traditional and contemporary styles of Indigenous artists, from the various regions of Australia, are uniquely and distinctly different. One of the issues that artists who work outside a 'traditional genre' have to deal with is how to expose their work. In most of the galleries in south-eastern Australia, the work is predominantly from north Australia and one rarely sees south-eastern Indigenous art in galleries and retail shops.

For many Indigenous artists, there are huge problems in knowing how to talk to big gallery owners, how to negotiate selling a painting or artwork. This is a daunting experience for many Indigenous people, having to negotiate on their own, without any knowledge of their rights.

A recent example is of an Indigenous artist having sold a painting to an art gallery, then found out that there was a catalogue published with prints made of his paintings. He had not given his permission for his works to be re-produced in the catalogue.

There are other instances where artists have their work on consignment and there has been no documentation exchanged between the gallery and the artist. Unfortunately, when the artist goes back to the gallery, there is no record of them leaving their work. Workshops have been developed to educate artists about their rights, such as the importance of written agreements, rather than placing their trust in handshakes. These are only little things but quite important for artists.

Other issues include pricing and knowing the value of artwork. Indigenous artists have difficulty knowing the value of their work and getting a price that suits them. Artists are also trying to understand how someone (an art dealer) can resell their work at a great profit when the artists themselves were only able to sell their work for very little return. Indigenous artists can never seem to estimate the true value of the hours they have put into their artwork. Consequently, there is underpricing, overpricing or just not knowing the true price and knowing they can negotiate prices for their works.

Commercial art galleries and auction houses do not recognise Indigenous artists as the majority of artworks sold in the southern states (Victoria and NSW) are from northern Australia.

Artists from the north are considered more 'authentic'. There are concerns regarding what [Western] art markets considers 'authentic' art. There are major concerns about who is authenticating Indigenous artists – who is suggesting that Indigenous artists are not authentic and therefore, these artworks are not being housed in galleries that claim they have authentic Indigenous artworks? It could be suggested that by not housing

south-eastern Indigenous artworks, these galleries should not advertise 'authentic and genuine Indigenous artwork' at the front of their galleries.

The major issues for Indigenous artists are:
- lack of knowledge of intellectual property rights issues;
- lack of knowledge about marketing art products,
- distribution of artworks,
- pricing of artworks; and
- dealing with unscrupulous buyers and gallery managers.

There is a need for State art organisations to interact more often. There are concerns that there is little, if any, contact with Indigenous communities about the cultural significance of moveable cultural property. The concerns also include whether Indigenous communities have opportunities to negotiate a price on their own cultural property and artwork before it is sold off through the auction houses.

Current State laws on the sale of artefacts (moveable cultural heritage) such as Victoria, deems that only objects that are made for the purpose of sale can be sold. There is some concern about whether there should be separation between secret/sacred and utilitarian artefacts. The belief for members of communities in south-eastern Victoria is such separation poses problems. For example, utilitarian artefacts are part of the history of dispossession and appropriation and need to be considered valuable cultural objects as well as secret/sacred objects.

There is a need for education and recognition of the community as well as the industry regarding the diversity and legitimacy of Indigenous art and culture from traditional, contemporary, rural or urban contexts.

The industry and galleries must become involved in nurturing emerging artists. Perhaps a list of institutions and industries that are willing to house Indigenous artworks could be made available to Indigenous artists. Further, recognition of local Indigenous artists could also be made through funding or practical assistance such as providing exhibition spaces for Indigenous artists to exhibit their works.

Education institutions could support Indigenous artists who are at the beginning of their career. For example, there is a need for bridging/assistance for professional development, as many Indigenous artists have not come through the tertiary art institutions. In instances where Indigenous artists are in the tertiary art institutions, the question is whether those institutions are supporting their careers as working artists. For example, support for Indigenous artists is lacking in Victoria in comparison to NSW. In NSW the success of the Boomali Co-operative has provided support for Indigenous artists. There has not been a single art organisation developed in Victoria with that sort of profile and lobbying power. It seems there are no reasons why the same initiatives could not arise in Victoria, as it would be looked at favourably.

Indigenous artists have expressed concerns about the real support from State Government Arts organisations as opposed to window dressing. For example, there is a need for employment of Indigenous arts officers and more involvement of Indigenous representatives in State Government Arts and Cultural organisations.

An effective education and awareness program for Indigenous artists is required to address a range of issues from creating artwork through to the sale and resale of the artwork. The State Government Arts and Cultural organisations need to take responsibility for addressing education and awareness programs as well as providing advice to Indigenous artists.

Indigenous artists require better access to legal advice. Some Aboriginal Legal Services provide copyright advice but are not up to speed in this specialist area of law. ATSIC has test case funding and funded the Carpet's Case and the Bulun Bulun case. However, in the long run, Indigenous organisations bear the legal burden. Therefore, funding for intellectual property rights cases is ad hoc. There are a number of other agencies that need to be brought into line (eg Copyright Council) as they need to extend their services to Indigenous communities.

Public awareness

There is significant work required to develop awareness within the arts industry, tourism, art auctioneers, government agencies, universities and museums regarding the significant of Indigenous cultural and intellectual property rights.

As integral players in the cultural and heritage industry strategic alliances between Indigenous peoples, industry groups and institutional groups are seen to be crucial in dealing with complex issues regarding Indigenous cultural and intellectual property rights.

EDUCATION, TRAINING, EMPLOYMENT AND OPPORTUNITIES FOR ECONOMIC INDEPENDENCE

Background

The dispersion of the Aboriginal and Torres Strait Islander population varies markedly from the overall population, as has been noted many times:

Table 1: Percentage of population by location, 1996 Census

	Major urban areas	Other urban areas	Rural areas
Indigenous pop.	30.3	42.3	27.3
Total pop.	62.7	23.2	14.0

The ABS in Australian Social Trends 2000 also examined briefly the most disadvantaged "Collectors Districts" (CDs) in Australia. Two measures were used:
- the Index of Relative Socio-economic Disadvantage, and
- the Accessibility/Remoteness Index of Australia (ARIA).

In this analysis, Indigenous people comprised 5.6% of the population in disadvantaged CDs although only 2% of the population overall. This indicates that approximately 185,000 Aboriginal peoples and Torres Strait Islanders, or about half of the Aboriginal and Torres Strait Islander population are in disadvantaged areas.

The figures become worse as accessibility worsens.

Table 2: Proportion of Aboriginal peoples and Torres Strait Islanders in disadvantaged CDs by location and accessibility

	%
Major Urban	2.3
Other Urban	
Highly accessible	3.5
Accessible	6.4
Moderately accessible	14.5
Remote/very remote	33.8

The significant increase as accessibility worsens is not found in the general population, nor in migrant groups also identified in the ABS data. So there is a clear signal that even in urban areas, Aboriginal peoples and Torres Strait Islanders are over-represented when it comes to isolation from mainstream services. (These figures increase in rural and remote areas, where Aboriginal peoples and Torres Strait Islanders comprise 64.0% and 58.3% respectively of those in disadvantaged CDs which are remote from services.)

Education

Education is a key indicator of employment but Aboriginal peoples and Torres Strait Islanders lag well behind the overall population in educational attainment. Even where improvements are occurring in the Aboriginal and Torres Strait Islander population, as in increasing numbers with Bachelor degrees or higher, or in Year 12 retention rates, improvements in the overall population mean that Aboriginal peoples and Torres Strait Islanders are not "catching up" as quickly as might otherwise be the case.

Non-completion rates for Aboriginal peoples and Torres Strait Islanders in urban areas are far greater than for non-Aboriginal people, with Bourke having a non-completion rate of 63.4% and Aputula 84.2%.

Attendance by those enrolled is relatively low, sometimes falling to an estimated 20% attendance (for example during ceremony times) and the schooling system is not flexible enough to deal with these students upon their return.

The school retention rate for Year 12 Indigenous students is around 33% compared to almost 73% for all students [ix]. Indigenous students are therefore likely to leave school much less qualified than their non-indigenous peers.

In 1996, participation in secondary schooling was at 60%, whilst that for non-indigenous students was 84%. Participation rates however, are not converting directly into improved educational outcomes.

Table 3: Participation in education and educational attainment, 1996 Census

	Indigenous %	Total pop. %
Participation in education		
16 year olds who are students	57.0	83.5
18-24 year olds in post-secondary education	10.4	28.2
25 year olds and over in post secondary education	5.9	4.6
Educational attainment		
left school aged 15 years or under	39.9	33.6
Vocational qualification or undergraduate or associate diploma	8.7	19.6
Bachelor degree or higher	2.0	10.4

Table 4: Comparison with non-indigenous educational attainment, 1981- 1996: proportion of population aged over 15 by qualification

	1981 %	1986 %	1991 %	1996 %
Bachelor degree or higher				
Indigenous	0.1	0.3	0.8	2.0
non-indigenous	4.1	5.0	7.6	10.9
Diploma				
Indigenous	0.5	0.6	1.4	2.2
non-indigenous	3.6	3.5	5.2	6.3
Skilled vocational				
Indigenous	2.0	3.0	3.7	4.5
non-indigenous	9.4	9.8	10.3	11.0

Note: The figures in this chart may not match exactly with other figures as they are based on raw census data and take the Indigenous numbers out of the total population figures to identify a "non-indigenous" proportion rather than the "total population" proportion.

Table 5. Youth: education and employment x area(a)

Selected characteristic	Major Urban	Other Urban	Rural	Total Indigenous	Total
	%	%	%	%	%
Proportion of total youth population	1.3	5.0	6.1	2.6	100.0
Attending educational institution	35.6	29.9	22.1	29.7	49.3
Of young people attending educational institution, proportion at:					
School	53.7	65.4	75.2	62.7	50.9
TAFE	22.9	23.1	17.0	21.8	17.6
University	19.6	9.0	4.7	12.3	29.0

(a) proportions based on stated responses.

The National Aboriginal and Torres Strait Islander Education Policy was originally endorsed in 1989[x]. It embraced 21 goals under 4 key themes:

- involving Aboriginal peoples and Torres Strait Islanders in educational decision-making
- equality of access to educational services
- equity of educational participation
- achieving equitable and appropriate educational outcomes

While the agenda remains valid, the impact of programs to achieve this must be questioned in the light of educational outcomes being achieved by Aboriginal and Torres Strait Islander students into the mid to late 1990s.

In March 2000, the Government announced the "National Indigenous English Literacy and Numeracy Strategy"[xi] which encompassed 6 key elements:

1. achieving attendance
2. overcoming hearing, health and nutrition problems
3. preschooling experiences
4. getting good teachers
5. using the best teaching methods
6. measuring success, achieving accountability

Schools to work transition and VET in schools programs are also being trialed. For Aboriginal peoples and Torres Strait Islanders, the WADU* Strategy has been developed. It focuses on local engagement between schools, VET providers and employers. While it has been operating as a series of "demonstration" projects, there is a need to move beyond this into ongoing funding for those models that have proved successful.

* WADU is a word meaning "together in partnership and trust" belonging to the Kaurna people of the Adelaide Plains.

Employment

The overall low educational attainment leads to significant over-representation in unskilled and low-skilled jobs.

In 1996, the proportion of Indigenous people in the labour force (53% of persons aged 15 and over) was almost ten percentage points lower than the corresponding figure for the total population (62%). Rates of labour force participation were higher among Indigenous men (64%) than women (43%). Overall, Indigenous people were less likely than the total population to work 35 hours or more each week (60% compared with 69% of employed persons, respectively) and more than twice as likely to be unemployed (unemployment rates of 23% compared with 9%, respectively).

In 1996, 24.3% of Aboriginal and Torres Strait Islander employed were "labourers". While this had decreased from 37.7% in 1976 and 32.2% in 1986, the number of labourers was also decreasing in the overall population - 14.4% in 1986 to 8.6% in 1996. In fact, the ratio has actually increased from 2.24 in 1986 to 2.79 in 1996. Conversely only 3.7% of the Indigenous population are employed as managers and administrators compared to 9.3% in the total population.

Table 5: Proportion of employment by skill level of occupation

	Indigenous	Non-Indigenous
High skilled	35.5	55.5
Medium skilled	26.7	24.6
Low skilled	31.9	17.5

Thirty-five per cent of Aboriginal and Torres Strait Islander employed are in Community Services (19.6%) and Government and Defence (15.4%). The highest levels of employment for non-indigenous people are in the Retail (13.6%) and Manufacturing (12.7%) industries.

A change in industry classifications in the 1996 census makes comparisons with previous censuses more difficult but one outstanding feature is that Indigenous employment in "Government and defence" has continued to grow while non-indigenous employment in this area has been falling since 1986.

Table 6: Proportion of employed in "Government and defence", Indigenous and non-indigenous 1986-1996

	Indigenous	Non-Indigenous
1986 census	12.1	6.0
1991 census	12.6	5.7
1996 census	15.4	4.8

[Note: The above figures do not include "Education".]

As a ratio, Indigenous employment compared to non-indigenous employment in this area has increased from 1.86 in 1981 to 3.22 in 1996. This indicates that although there has been a general trend to reduce government workforces, Indigenous people are becoming more reliant on public employment. DEWRSB suggests that up to 70% of all Aboriginal and Torres Strait Islander jobs are reliant to some extent on public funding. (This includes another 20% employed in the Community Services sector which most often is in an Aboriginal and Torres Strait Islander organisation in receipt of Government funding.)

Aboriginal and Torres Strait Islander employment policy is now set by the IEP (Indigenous Employment Policy) which includes:

- wage assistance
- CDEP placement incentives
- CEOs for Indigenous employment project
- Structured training and employment projects
- Voluntary service to Indigenous communities Foundation
- National Indigenous Cadetship Program
- Indigenous Small Business Fund
- changes to the next Job Network tender which will aim to benefit Aboriginal and Torres Strait Islander job seekers

Government policy is stressing the need to identify employment and economic potential at the regional level. The creation of Area Advisory Committees(AAC) was one step in this process. Aboriginal peoples and Torres Strait Islanders are represented on a number of AACs but not all. The Northern Territory AAC has significant Aboriginal and Torres Strait Islander representation and its Strategic Plan recognises the importance of employment in Aboriginal and Torres Strait Islander communities. As Aboriginal peoples and Torres Strait Islanders comprise about one-quarter of the NT population, the Northern Territory ACC has a clear focus on Aboriginal and Torres Strait Islander employment.

In urban areas, however, where the Aboriginal and Torres Strait Islander population is a much smaller proportion of the overall population, AACs may be less likely to consider the impact of their decisions on Aboriginal and Torres Strait Islander employment.

ACCs must be encouraged to take steps to engage the local Aboriginal and Torres Strait Islander community either as representatives on the ACC and/or by collaboration with the community in identifying areas of potential economic and employment growth.

Labour Market Assistance Outcomes for the June quarter 2000 (DEWRSB) tend to show that Aboriginal peoples and Torres Strait Islanders participating in the mainstream programs are achieving the lowest levels of employment outcomes. More success appears to be being achieved with the IEP specific strategies of Structured Training and Employment Projects and the IEP Wage Assistance program - approximately 2,500 were assisted under these programs between 1 April 1999 and 31 March 2000. Aboriginal and Torres Strait Islander employment outcomes from Intensive Assistance (15,957 people assisted between 1 May 1998 and 30 April 1999), however, were at 27.3% (this was lower than the 28.8% employment outcomes achieved by people with a disability). A further 11.4% of Aboriginal peoples and Torres Strait Islanders on Intensive Assistance went on to further training and education, including being in receipt of further assistance. More information on the location and background of clients on the IEP programs would be necessary to assess whether the current high level of positive outcomes is sustainable.

Training

In June 1999 approximately 50,200 Aboriginal peoples and Torres Strait Islanders were "clients in vocational programs" (NCVER[xii]). Of these 16,600 were from major urban areas and 18,800 in rural areas. (There were also 13,500 from remote areas and 1,300 studying inter-state.) Available evidence shows that Aboriginal peoples and Torres Strait Islanders are participating in VET at levels at least equal to, if not better, than their share of the overall population. However, evidence also suggests that they are over-represented in low level and non-qualification courses. This appears to flow from poor outcomes and retention rates at the secondary level and the use of VET as "catch up" for poor basic education.

In this regard, Robinson and Hughes (NCVER, 1999)[xiii] stated that:

> It is time to move beyond the "enclave approach", that is the arrangements at institute level which focus only on special equity targets, special courses and special student support services ……….. [and move towards] more robust institute-wide strategies that focus on the appropriate provision of the full offerings of VET courses and programs to Indigenous students and the development of particular strategies to improve the outcomes achieved by Indigenous students.

Australia's training goals are set out in "Bridge to the Future", the ANTA document setting directions to 2003. That document recognised the needs of Aboriginal peoples and Torres Strait Islanders and a separate strategy was developed by the Aboriginal and Torres Strait Islanders Peoples' Training Advisory Council (ATSIPTAC), the advisory body to ANTA - "Partners in a Learning Culture". This was endorsed by the ANTA Ministerial Council earlier this year. It sets four key objectives:

1. Increasing involvement of Indigenous people in decision making about policy, planning, resources and delivery

2. Achieving participation in VET for Indigenous peoples equal to those of the rest of the Australian community

3. Achieving increased culturally appropriate and flexible delivery training, including use of information technology, for Indigenous people

4. Developing closer links between VET outcomes for Indigenous people and industry and employment.

While detailed implementation strategies have also been developed, these have only recently begun being put in place.

The training agenda as set by the National Training Framework emphasises increased flexibility to meet industry needs. Training Packages can be customised and contextualised to suit the circumstances of individual enterprises or industry in particular regions. This approach also has the potential to allow similar arrangements in respect to Aboriginal and Torres Strait Islander training but it may take a few more years before this is evident. It is necessary that training authorities recognise this potential and allow it to develop to assist Aboriginal and Torres Strait Islander access to appropriate training.

Economic development also requires a financial and technical capacity to engage in negotiations with the private sector. Further efforts are required to ensure Aboriginal and Torres Strait Islander communities have this capacity or have it available to them so they can negotiate appropriate solutions at the community level.

Urban areas

The above information applies to the Aboriginal and Torres Strait Islander population as a whole but the issues remain the same whether in major urban, other urban, rural or remote areas. What changes is the particular impact at the local level and the different solutions that may be required. Indigenous people in urban areas had higher rates of labour force participation than those in rural areas and a larger share were working 35 hours or more each week. In contrast and reflecting greater access to CDEP employment in rural areas, unemployment rates were higher in urban areas.

For example, while it could be said that Aboriginal peoples and Torres Strait Islanders in major urban areas have "access" to employment, they encounter difficulties relating to their educational levels, socio-economic conditions and prejudice on the part of employers that effectively limits their real access to jobs.

In 1994 evaluations of Aboriginal and Torres Strait Islander job programs by the then DEET[xiv] found that:

> the general view that Aboriginal peoples and Torres Strait Islanders do not fit into the established workforce because there is "something wrong" with them appeared to be widespread (only one of the employers surveyed had any significant knowledge of the local Aboriginal community)

In rural towns, while some of these issues also come into play, a weak local labour market may be a greater consideration. In essence, "access" to employment is the basic issue but the reasons for lack of access may vary between locations.

At Matraville High School in Sydney, a program to engage local Aboriginal students from La Perouse in work programs foundered on distance, both physical and social, to the workplace. While the European teachers originally considered that public transport to the Central Business District in Sydney was adequate to allow students to travel there for work, they found that the Aboriginal students were extremely reluctant to travel to the city. The teachers had to redesign the program to focus on local employers. This type of issue will be specific to each community and can only be dealt with by engaging the local community and identifying potential problems and solutions.

The impact of previous policies and reports

There have been numerous reports in the past on Aboriginal and Torres Strait Islander education, training and employment and while the figures show some improvements in educational attainment and employment outcomes, it could be argued that the improvements are not significant when measured against improvements in the overall population.

One of the prime difficulties from reports in years past is that they often imposed, "one size fits all" solutions. Governments are moving away from this approach in relation to mainstream policy and also need to move away from it in Aboriginal and Torres Strait Islander policy.

In the recent announcement (15 October 2000) of the "Peak forum to support Indigenous families and communities" Minister Herron stated that:

> Indigenous people know what their problems are and have good ideas on how to address them. Governments needs to recognise this and support Indigenous communities to work together to tackle their own issues.

This needs to translate into genuine engagement with Aboriginal peoples and Torres Strait Islanders at the community level, not merely conducting national forums but ensuring that measures taken on the ground are developed in collaboration with local communities.

The future

ACCs must be encouraged to take steps to engage the local Aboriginal and Torres Strait Islander community either as representatives on the ACC and/or by collaboration with the community in identifying areas of potential economic and employment growth.

This will be particularly so in urban areas where Aboriginal peoples and Torres Strait Islanders must compete with a proportionally larger pool of non-indigenous job seekers with higher levels of education.

This problem will be exacerbated by projected changes in the labour force. Both the DEET publication in 1995, "Australia's Workforce 2005"[xv] and the more recent "Australia's Workforce trends to 2010", prepared by Monash University[xvi], both indicate increasing growth in higher skilled jobs and marginal growth at the lower end of the skills spectrum.

The 1995 DEET publication[xvii] also projected that growth in public administration and community services sectors would be slower than growth in the economy as a whole. These are the two key areas for current employment for Aboriginal peoples and Torres Strait Islanders. If growth slows in these areas (and relative to the timing of the DEET publication, growth in public administration has already slowed) the medium to long term outlook for Aboriginal and Torres Strait Islander employment in these areas is not good. As indicated earlier, between 1986 and 1996 there appeared to be an increasing reliance on public sector employment. The question becomes how long can this be sustained before the slow down also impacts Aboriginal and Torres Strait Islander employment.

Higher overall levels of educational attainment also mean that entry level jobs are placed at higher educational levels. Already the average age for people entering apprenticeships has moved towards 18/19, rather than the traditional 15/16 - the difference between leaving school at Year 10 and Year 12. The introduction of VET in schools, including the introduction of apprenticeships in schools, may well assist in this but only if the projects are developed at the community level.

The general economic picture also does not bode well for Aboriginal and Torres Strait Islander employment. The current economic cycle is nearing its end. It is likely that

there will be an economic slowdown in the next year or two. DEWRSB's "Leading Indicator of Employment" is already showing a downturn that could translate into a slowing in employment growth in the next 6-12 months. Volatility on equity markets, particularly in the USA, and the inflationary effect of high oil prices, also tend towards a change in general economic conditions in the not too distant future.

Attempting to improve Aboriginal and Torres Strait Islander employment outcomes at a time when the general economy is slowing will be a difficult task. If overall unemployment begins creeping up again as the economy slows, the task becomes almost impossible. This is not to say that no jobs can be found in this scenario, but that there is unlikely to be any major impact on the overall employment and unemployment rates of Aboriginal peoples and Torres Strait Islanders in such circumstances.

Issues

Accessibility

The question of access to mainstream services remains a question even in urban areas. As indicated earlier, Aboriginal peoples and Torres Strait Islanders are significantly over-represented in disadvantaged Collector's Districts in urban areas (outside major urban areas) and that this over-representation increases with lack of access to services.

Access can sometimes mean funding. ATSIC is receiving a large number of complaints from community representatives that there appears to be a lot of money for "pilot projects" but nothing to sustain successful projects. While there may be some debate between levels of government about the appropriate source of such funding, the reality is that Aboriginal and Torres Strait Islander communities are missing out on opportunities for development while this debate takes place.

Even in urban areas, Aboriginal peoples and Torres Strait Islanders can lack access to capital, financial advice and banking services necessary to assist in economic development.

Access can be limited if the service being offered is not appropriate to Aboriginal and Torres Strait Islander needs or social structures. That is, a service is also inaccessible if people do not understand how to use it, which can be a result of socio-economic conditions or different cultural understandings. Services have to meet the client's expectations if it is to be available and accessible.

Access and provision of services is a major problem for many Indigenous communities and the inappropriateness of boarding and distance education as alternatives is also a major issue. This also raises the issue of the provision of adequate infrastructure, including educational facilities, particularly in outlying metropolitan areas and in rural towns.

Appropriateness

Cultural awareness training for teachers is a major issue that needs to be addressed urgently. Such training is not a compulsory subject while training to be a teacher, and many schools are finding that teachers do not have adequate understanding or knowledge of the different ways in which Indigenous students learn or the cultural differences which exist.

Many schools have failed to recognise the importance of engaging Indigenous educators and Aboriginal and Islander Education Workers (AIEW's) as a means of being involved in curriculum development and classroom management assistance. This is of paramount importance to achieving successful outcomes for Indigenous students.

ACCs must be encouraged to take steps to engage the local Aboriginal and Torres Strait Islander community either as representatives on the ACC and/or by collaboration with the community in identifying areas of potential economic and employment growth.

Linkages

Services assisting development also cannot be isolated from each other. Merely providing appropriate education services does not guarantee improved educational outcomes. As has been pointed out in the past, there is little point in providing educational services if health problems prevent a child from learning.

As the NT Area Consultative Committee (NTACC) states in its Strategic Plan:

> Economic development will not occur without improved housing, infrastructure, health and educational opportunities.

No matter which area one selects as the starting point, whether it is economic development, employment, or education, one continually needs to integrate the approach with other issues of housing, health, justice, training, etc.

The linkages will be different in different communities depending on their starting point. Only the individual community can identify how these linkages should operate in their community to suit their own needs and aspirations.

Sustainability

The role of education and training in assisting employment, economic development and community development, needs to be placed in the context of sustainable development.

Communities need to engage in sustainable development if real outcomes, in the medium term, are to be achieved. While the education and training agendas are set by

national policies for the broader society, there is a need to ensure that they meet the ongoing, and changing needs, of Aboriginal and Torres Strait Islander communities.

As Taylor and Hunter pointed out in "The Job Still Ahead"[xviii], there are considerable savings to overall government outlays, and increased revenue through taxation, if employment outcomes for Aboriginal peoples and Torres Strait Islanders can be significantly improved. As indicated earlier, sustainability requires an integrated approach at the community level ensuring all needs are being met. If the approach is taken in isolation, improvements in education, training or employment will not be sustainable as other factors, such as poor health or inadequate infrastructure, undermine what has taken place.

ACCs must be encouraged to take steps to engage the local Aboriginal and Torres Strait Islander community either as representatives on the ACC and/or by collaboration with the community in identifying areas of potential economic and employment growth.

In its 1999 submission to HREOC's inquiry into Rural and Remote Education, ATSIC proposed three basic principles that should be the basis for progress in Indigenous people in education. These principles remain relevant to urban circumstances.

- Community self-determination within the education system is integral to realising education outcomes for Indigenous children. This is necessary to ensure acceptance and involvement of Indigenous people in the education system.

- Respect for Indigenous knowledge and recognition of the need for cultural maintenance should be apparent in education provided to Indigenous student. This would provide a foundation and make the education system relevant and appropriate, and;

- Education needs should be seen in relation to and integrated with other requirements of the community such as health, housing, general community infrastructure. This will ensure the effectiveness of education strategies by taking into consideration the range of other factors impinging of education participation and achievement.

A review of Aboriginal and Torres Strait Islander controlled training institutions (Durnan and Boughton, 1999)[xix] found that the outcomes rated highly compared to all Aboriginal and Torres Strait Islander VET students in Australia. Aboriginal and Torres Strait Islander controlled training organisations provide appropriate teaching methodologies and socially supportive environments that assist in successful training outcomes.

The Gwydir Valley Indigenous Employment Strategy is an example of government and private agencies working together. It involves the Moree Plains Shire, together with the Gwydir Valley Cotton Growers Association and DEWRSB. In 3 years it has successfully placed 100 Aboriginal peoples and Torres Strait Islanders in full-time employment. Such linkages with local communities are an essential ingredient of successful programs.

Once we begin moving control of programs and policy to the community level to control the linkages between programs, we also begin moving away from the model that Aboriginal and Torres Strait Islander communities are simply "recipients" of services.

If communities are engaged in developing the type of programs and services they need to meet their needs and aspirations and are able to exercise some control over these, then they will better identify how their involvement can lead to the further development of the community. The private sector can play a major role at the local level, engaging with the community for socio-economic development.

Such an approach is not new or radical. It has been adopted by the World Bank in its development activities and underpins a large number of urban redevelopment projects in the USA. Governments and agencies across the world are recognising that engagement of local communities and partnerships at the community level leads to more effective outcomes.

INDIGENOUS HEALTH NEEDS

Basic principles

There are some basic principles that need to be recognised to improve Indigenous health.   These include:

1. Recognition that the poor health of Indigenous peoples can be improved through broader recognition of the causes of ill-health.
2. Strategies for the delivery of health programs and services that link environmental and primary health care.
3. A national, strategic response to Indigenous health.
4. Increases in funding for health and infrastructure services.
5. Broad community control and participation in regional needs-based planning through joint representation on regional health authorities and hospital boards so that priorities in health management can be set.

Health and Indigenous peoples

The health of Australia's Indigenous peoples has been diagnosed as mirroring 'fourth world conditions.

Overall life spans of Indigenous peoples are 15-20 years shorter than other Australians, with
- 23 times the average death rate from infections of the kidney,
- 12-17 times the average for diabetes (one of the highest rates in the world) and
- 3-5 times the death rate from chronic respiratory disease.

Indigenous peoples are 10 times more likely to suffer blindness than the general population, and other irremediable or fatal diseases that would not occur at the rates they do if environmental health and community health infrastructure was improved.

Torres Strait Islanders

Poor nutrition is worsening the high diabetes rate amongst Torres Strait Islanders. Lack of water and increasing populations on many Islands means less and less food is coming from traditionally-cultivated gardens.

Access to renal dialysis remains a major issue disadvantage facing Torres Strait Islanders with kidney disease. Incidences of cardiovascular disease are also increasing as is Hepatitis, especially type A and B. Up to 60 per cent in a recent test carried Hepatitis B makers, indicating that they had contacted the disease at some stage in their lives, against the general population's rate of less than one per cent. A universal vaccination program for children in the Torres Strait Islands has helped protect against Hepatitis A and B.

The Torres Health District of Queensland recorded the highest rate of infectious disease notifications in Queensland – 930 infections per 10,000 of the population - many times the Queensland average. Many of these were the result of mosquito-borne diseases (such as dengue fever, malaria and Ross River fever).

Also of concern is the fact that PNG citizens travel to Torres Strait Island hospitals with active tuberculosis.

While a combination of mosquito eradication, public health education and mass vaccination campaigns has successfully controlled Japanese Encephalitis, AIDS and HIV are a possible new threat.

Problem areas

The following summary posits the major contributors to the poor health of Indigenous Australians:

a) poor facilities, poverty, remoteness and communication difficulties – these conditions are not exclusive to rural and remote areas.

b) overcrowded housing.

c) communication and language difficulties.

d) hearing problems assessed as affecting 70 per cent of Indigenous peoples.

e) lack of basic services, appropriate education, employment, housing and support services.

Issues

- An urgent commitment, in consultation with Aboriginal and Torres Strait Islander communities and service providers, to reduce disadvantage, poverty and youth suicide – currently among the highest rates in the industrialised world.

- Planners must remember that programs will not be effective until they take account of the priorities and cultural needs of communities and regions rather than bureaucratic or service provider convenience.

- The Indigenous population is markedly younger than the non-indigenous population - about 60 per cent are aged 24 and younger – and services are not likely to meet the growing need unless there is more effective and better coordinated planning for their future from all relevant government agencies.

Mental health and substance abuse

ATSIC surveys of housing and infrastructure needs show that more than 22,000 Indigenous peoples living in the NT, WA, Qld and SA do not have access to a mental health worker or a substance abuse worker and that mainstream mental health and substance abuse services are not culturally appropriate or do not meet our needs. Substance abuse must be seen in the social and cultural context where it affects the physical, emotional and spiritual health, not just of individuals, but of whole communities. There are strong links between mental health problems and homelessness.

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) highlighted the link between social disadvantage, alcohol abuse and the high rates of imprisonment of Indigenous peoples. The RCIADIC recommendations remain an important reference point in dealing with substance abuse issues in Aboriginal and Torres Strait Islander communities which should be reflected in program goals and objectives.

Indigenous youth need integrated community and resource support to address issues of unemployment, alienation and poverty. A diversionary alternative to drugs such sport and recreation resources and funding are having some success with young people. Greater ranges of alcohol rehabilitation programs are needed which must be negotiated with communities to be successful.

Self determination processes of themselves are inherently helpful in providing decentralised development support and counselling for communities.

Health Personnel

There is an urgent national need for Aboriginal and Torres Strait Islander health personnel. The development of a trained and appropriate workforce is urgently required to provide health services, develop policy, implement, evaluate, advocate and manage Indigenous health services.

Australia lags behind New Zealand in training and providing jobs for Indigenous personnel. For instance, the Health is Life committee heard that although Batchelor College offers training in areas such as environmental health and mental health, there are not enough jobs for the Aboriginal and Torres Strait Islander people who are trained in these areas.

While special programs have increased the number of Indigenous doctors to 35, with as many again expected to graduate in the next few years, the number of graduate Indigenous nurses is not sufficient to replace the retirement rate and special programs are needed to encourage more nurses. Despite recommendations over the years, including the 1989 NAHS evaluation which recommended the professional, career development, collegiate, training and industrial needs of Aboriginal health workers receive immediate attention and development, this has still not happened. All health professionals should receive some cross cultural training in Indigenous health issues.

Involvement in Decision Making

Aboriginal community control and ownership is very powerful but is not always recognised as such. Recognition of this power is an enabling factor for collaboration, and is underpinned by the recommendations of the major relevant national reports such as the National Aboriginal Health Strategy and the Report of the Royal Commission into Aboriginal Deaths in Custody.

ATSIC welcomes the growing acknowledgment that communities with native title access to their traditional lands and who are able to practice their culture have benefited from better health and lower incarceration rates.

ATSIC asks for mainstream recognition that Indigenous peoples prefer to access a network of community controlled primary health care services that can provide culturally appropriate programs.

Aboriginal and Torres Strait Islander access to community controlled services can only be increased through greater funding and resources of these services. By `community control' we mean an independent health committee composed of elected members from the community who can respond to that community's priorities. The community controlled health sector deserves to be an equal partner in the partnerships and planning process, with adequate needs-based resources and a skilled workforce.

Health Care Costs

The most significant recent research relating to Indigenous health is Expenditures on Health Services for Aboriginal and Torres Strait Islander People by Professor John Deeble and his colleagues which found that, despite a far greater rate of ill-health, expenditure for all services and from all sources of funding was only eight per cent higher than for other Australians.

Per Indigenous person, Medicare benefits for Indigenous peoples were on average only 27 per cent of the national average and drug prescriptions only 22 per cent. For this reason, prescription drugs have now been made available free to Aboriginal Medical Services in remote locations under the Pharmaceutical Benefits Act. ATSIC believes this distribution should be increased to include Aboriginal Medical Services (AMSs) in regional and urban areas.

There are continuing problems with the identification of Aboriginal and Torres Strait Islander people in health records for purposes of planning and the equitable allocation of resources.

In principle, ATSIC supports the use of an Aboriginal and Torres Strait Islander "Identifier" in Medicare records providing there are strict privacy safeguards, and urges continuing consultations with community representatives to achieve better access rates to Medicare.

Who is responsible for health care facilities for Indigenous Australians?

Public provision of services to Indigenous peoples is shared between the Commonwealth and States and Territories. The Commonwealth provides funds through Medicare, the Pharmaceutical Benefits Scheme (PBS), health care grants to the States, public health programs, aged care and, since the 1970s, direct grants to Aboriginal Community Care Health Services. The Commonwealth also develops national policy directions and priorities and funds research. The Royal Flying Doctor Service sometimes provides emergency transport.

Tri-level funding, buckpassing and jurisdictional complexity means Indigenous peoples miss out on receiving the level of resources that meet their needs.

- Aboriginal peoples and Torres Strait Islanders are entitled to the same services other Australians receive. These should reflect the level of need and be culturally appropriate, non-racist and non-discriminatory.

- The barriers to improved Indigenous health and economic development in Australia will be removed only when the ill effects of past policies and assimilation practices imposed on our people are understood, thereby allowing for a national approach to equitable access to services which takes account of our cultural needs and preferences.

- The Commonwealth must institute a national, integrated approach that discards the dominant mono-cultural attitude of the past and replaces it with a real commitment to equitable standards through increased funding and resources for culturally appropriate service delivery.

- The Commonwealth must legislate to ensure our legitimate entitlement to civil rights and essential services through alterations to the Racial Discrimination Act. In other words, it is time that multicultural Australia followed NZ, the USA and Canada in recognising and providing for the cultural needs of its own First Peoples.

- The Commonwealth must make a concrete commitment to emergency strategic funding to address both environmental, housing and health disadvantage in Indigenous communities.

The Commonwealth:

The Indigenous health function, including substance misuse programs, was removed from ATSIC to the Department of Health and Aged Care (DHAC) in 1995. An Office for Aboriginal and Torres Strait Islander Health (OATSIH) was established within that Department, with ATSIC retaining its statutory advisory role.

Despite increases in funding from $85m to $185m and in staffing from eight to 140, for the reasons outlined above and because of the massive backlog of infrastructure needs, there has been little improvement in Indigenous health.

The Commonwealth defunded dental services in 1997 so that most Aboriginal and Torres Strait Islander people now receive treatment for pain care only, mostly during brief visits by transient health professionals or nurses.

Hearing services have been similarly cut, so most sufferers of hearing loss are now unable to afford hearing aids.

DHAC's administration is due to be evaluated in December 2000. The Department has already cited under-funding of the National Aboriginal Health Strategy, fragmentation of services and lack of access as major factors preventing improvements in Indigenous health.

- ATSIC believes the Commonwealth must play a critical political leadership role in providing a new national commitment to recognising the standing and integrity of Indigenous peoples and in meeting our social and cultural needs and civil rights

- For Australia's Indigenous peoples, `practical reconciliation' means a concrete commitment of urgent funding will be forthcoming to strategically address widespread Indigenous disadvantage in consultation with their elected representatives.

- ATSIC and NACCHO must be key players in a single administration responsible for improving resources and access to primary health care providers to Aboriginal communities, wherever they live.

States and Territories:

States and Territory governments meet 80 per cent of Indigenous use of health services, mainly through their hospitals. This is mainly because Aboriginal and Torres Strait Islander people do not have access or resources to attend culturally appropriate services and subsequently attend hospitals only when their condition is critical. In theory, the states have the capacity to provide better integrated services for Aboriginal and Torres Strait Islander people and to promote better access to both specific and mainstream programs. On a practical level, administration by the states means services vary in availability and effectiveness from state to state and territory. Breakdowns in coordination and service delivery to Indigenous peoples are rife. Programs are fragmented and of limited duration and application except where state health forums have effective input from representatives of Indigenous communities in developing services - for instance, primary health care services taking into account regional needs, capacity and infrastructure.

- There are vast service and access gaps in the tri-level system which disadvantages Indigenous peoples and leaves many communities living in Third World conditions.

- The extent of housing and infrastructure neglect is directly attributable to the inaction of responsible state governments of the past.

- Framework and bilateral agreements between national, state/territory governments and Indigenous peoples must integrate these services to a national plan which allows allow Commonwealth, state/territory and ATSIC funding to be pooled to suit regional needs.

- The national planning body for allocation of funds must involve ATSIC Commissioners and regional councillors as the elected representatives of Indigenous peoples who are best placed to take cultural factors and regional needs into account.

ATSIC's role

Under the ATSIC Act, we are required to advise the Minister on the coordination of the activities of other Commonwealth bodies that affect Aboriginal persons or Torres

Strait Islanders. While ATSIC has no program funding powers in the provision of health services, we also retain an advisory role through a Memorandum of Understanding negotiated between the Board and Minister for Family and Health Services in 1995. The Memorandum gives ATSIC a broad responsibility to monitor and coordinate government service delivery for Indigenous Australians and to act as an advocate for their interests. This is done through our elected health portfolio commissioners representing our constituents at national forums; and through our elected regional councillors, who are available to advise regional and state bodies on Indigenous health issues and priorities.

ATSIC's 35 regional councils have contributed to interim health plans to deal with gaps in the spread and standard of health service availability. Around Australia, regional councils have asked for better resourcing and availability of culturally appropriate services, including birthing and funeral centres, and counselling, preventive and remedial care. At the regional level, individual Councils have their own strategies and priorities for improving health. Some of these are:

- Central Queensland Regional Council seeks better determination and achievement of government accountability and -a focus and resources for mental health services.
- Goolburri Regional Council reports a desperate need for housing and aged care, for extension services and for substance abuse programs that include recreation initiatives.
- Gulf and Western Regional Council are one of the lowest seven regions for life expectancy yet five of their communities have no local medical service.
- In the Wagga Wagga region, respite accommodation, support services and hospital liaison is needed.
- The Kimberley Aboriginal Medical Services Council tries to service six townships and 150 Indigenous communities up to 1100km away. Many communities are dependent on a few copper wire telephone lines of low transmission quality which are useless during the wet season.
- Western Desert in Western Australia also reports raw sewerage ponding, medical supply and emergency problems and the need for upgrades to airstrips for all weather and night landings by the Royal Flying Doctor Service. Transient nurses currently provide their dental service.
- Kalgoorlie needs better transport and better nutritional and dental care.
- The Queanbeyan region has asked for coordinated networking between regional services to include telemedicine, bush medicine, rehabilitation and OH&S.
- Murdi Paaki Regional Council has called for help with ambulance transport and mobile dental clinics and a task force to coordinate and improve delivery of health services within regions. Spraying of stagnant pools and crops and immunisation awareness campaigns is also on their list, as are street cleaning and sanitation control by local government.
- The Kamilaroi Regional Plan also calls for an Aboriginal Medical Board to address infrastructure problems and help improve living conditions and medical centres.
- Many Rivers Regional Council in the Coffs Harbour region reports environmental health problems with water quality and supply. It has six communities with no garbage collection service, one with no electricity and several which rely on

generators. Two of their communities do not have local medical services and four do not have medical evacuation services.

- Yapakurlangu Regional Council around Tennant Creek in the NT reports a backlog of housing and infrastructure needs, including water pressure problems, water heavily loaded with minerals or at risk of contamination from septic tank systems. There is no additional water for growing food or landscaping for dust suppression. They are hoping appropriate technology can be found to recycle water for these purposes. There is also a need for a mobile health centre, better community transport and roads, aged and childcare.
- Alice Springs reports a lack of interpreter services, family dislocation due to hospitalisation or incarceration, youth suicide, substance abuse and homelessness problems through stress and depression. Most communities need more cultural and recreation facilities and social support including crisis services, night patrols and management of substance abuse programs.
- Papunya Council, like many others, is concerned about the provision of ante and postnatal education and immunisation programs, childhood nutrition and kidney dialysis units.
- Garrak Jarru Regional Council in the Katherine region reports significant concern about food security and the high cost of nutrition in the area. There was also a widespread call for funding of community patrols to prevent juveniles at risk becoming involved with the criminal justice system. The provision of services to outstations is also a concern.
- Nearby Yilli Rreung region in Darwin points out 60 per cent of its population is aged 24yo or younger and services and planning will need to take account of this, preferably through a peak regional body.
- The Miwatj region reports most Indigenous peoples live in the main communities, where the average household size is 8.3 persons per dwelling and that many of the health problems can be attributed to poor environmental conditions.
- Wongatha Regional Council in the Goldfields has transport problems and needs mobile services.
- Wangka Wilurrara Regional Council wants integrated service delivery to a town camp at Ceduna and better health awareness programs on nutrition and environmental health.

The policies

Although it has never been adequately funded and needs updating in some respects, the overall and best policy document in Aboriginal and Torres Strait Islander health remains the National Aboriginal Health Strategy 1989 (NAHS). The National Aboriginal and Torres Strait Islander Health Council through the Department of Health and Aged Care (DHAC) are currently revising the Strategy. The Council comprises state and territory representatives of each of the signatories to the NAHS Framework Agreements, National Health and Medical Research Council (NH&MRC) and Aboriginal and Torres Strait individuals.

ATSIC has a number of concerns about the revision of the NAHS, including the narrowing of its original comprehensive scope. Proposals to drop concrete objectives in the revised strategy are also a concern. For instance, the current Strategy proposed a specific testing regime for hearing loss from otitis media (middle ear infection).

ATSIC believes the key components to be considered in revising the National Aboriginal Health Strategy should be:

- retention of the holistic integrity and principles of the original strategy, including quantifiable targets
- strengthened links to other key programs, specialist care and environmental health delivery
- comprehensive community involvement in decision making processes and service delivery
- effectively targeting of priority action areas – access to primary health care, substance abuse, trachoma and eye health, diabetes, renal disease, otitis media.
- Recognition that ATSIC's elected representatives and regional offices have a greater role to play in policymaking and coordination across portfolios.

The Memorandum of Understanding (MOU) between ATSIC and DHAC provides a framework for consultation and cooperation and is also being renegotiated. Of ATSIC's three health and infrastructure portfolio Commissioners, Commissioner Marion Hansen sits on the National Aboriginal and Torres Strait Islander Health Council, and Commissioners Eric Wynne and Preston Thomas serve on a wide range of advisory and consultative boards,

While ATSIC considers the MOU an essentially sound framework, cooperative arrangements need to be strengthened and account needs to be taken of practical recommendations developed in numerous recent reports and surveys. For instance, the MOU requires that Regional Council advice and approval should be sought on existing and proposed environmental health activities, to identify areas of highest need and priorities for health service delivery, but such consultation is not uniform.

ATSIC supports proposals to formally include NACCHO in the arrangement as part of its commitment to planning at the state and regional level through State Framework Agreements. The potential of Framework Agreements with states and territories to work with Regional Councils to deliver better primary health care and to balance out uneven health delivery and funding between sectors in states and territories should not be underestimated.

However, there are no sanctions and no means of enforcing Agreement commitments. There are cross-border issues and state funding and transport concerns that currently restrict services to communities near state borders.

The renegotiations of Framework Agreements represent a practical opportunity for ATSIC and NACCHO to strengthen their roles and for state and territory ministers for health to demonstrate their commitment to improving health outcomes. A holistic approach to health requires that the Framework Agreements are wide in scope and work towards that outcome. The Framework Agreements should include a central role for ATSIC in State and Territory level decision making in Indigenous Health.

Summary

ATSIC calls for greater commitment from all Commonwealth and State ministers and agencies, in consultation with ATSIC, to address the substantial health issues facing Aboriginal peoples and Torres Strait Islanders

Indigenous health should be a priority of the government as it is for ATSIC. In brief, the priorities ATSIC identifies are these:

- improved accessibility to health facilities through meaningful regional or area health agreements
- reducing the backlog of infrastructure needs
- access to broader and better integrated community controlled primary health care
- a strengthened and better resourced monitoring and environmental health role for ATSIC
- a skilled Aboriginal and Torres Strait Islander health workforce.
- Federal commitment to increased funding for Aboriginal and Torres Strait Islander health as recommended by Professor Deeble.

Select bibliography on Aboriginal and Torres Strait Islander health

Aboriginal and Torres Strait Islander health and Welfare Information Unit 1997, The Aboriginal and Torres Strait Islander Health Information Plan … This time let's make it happen, AIHW Cat. no. HWI 12, Australian Health Ministers' Advisory Council, AIHW & ABS, Canberra.

Australia Institute, Public Expenditure on Services for Indigenous People, Discussion paper No. 24, September 1999

Australian Bureau of Statistics, 1996, National Aboriginal and Torres Strait Islander Survey: Health of Indigenous Australians, 1994, Cat. no. 4395.0, ABS, Canberra.

Australian Bureau of Statistics, 1999, National Health Survey: Aboriginal and Torres Strait Islander Results, 1995, Cat. no. 4806.0, ABS, Canberra

Australian Bureau of Statistics and Australian Institute of Health and Welfare, 1999, The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples, Cat. no. 4704.0, ABS, Canberra. <<Key reference with extensive bibliography>>

Australian Institute of Health and Welfare, 2000, Australia's Health, Cat. no. AUS 10, AIHW, Canberra.

Cunningham J and Beneforti M, 2000, Occasional Paper: Hospital Statistics, Aboriginal and Torres Strait Islander Australians, 1997-98, Cat. no. 4711.0, ABS, Canberra.

Cunningham J and Parades Y, 2000, Occasional Paper: Mortality of Aboriginal and Torres Strait Islander Australians, 1997, Cat. no. 3315.0, ABS, Canberra.

Cunningham J, Sibthorpe B and Anderson I, 1997, Occasional Paper: Self-Assessed Health Status, Indigenous Australians, Cat. no. 4707.0, ABS, Canberra.

Day P, Sullivan E and Lancaster P, 1999, Indigenous Mothers and Their Babies, Australia 1994-1996, Perinatal Statistics Series no. 8, AIHW, Sydney.

Deeble, J, Mathers, C, Smith, L, Goss, J, Webb, R and Smith, V, 1998, Expenditures on Health Services for Aboriginal and Torres Strait Islander People, AIHW Cat. no. HWE 6, AHHW, DHFS & NCEOH, Canberra.

House of Representatives Standing Committee on Family and Community Affairs, Health is Life, Report on the Inquiry into Indigenous Health, May 2000, Canberra.

Taylor, Professor Hugh R. Eye Health in Aboriginal and Torres Strait Islander Communities, Report of a review commissioned by the Commonwealth Minister for Health and Family Services, June 1997, Canberra

Weeramanthri, Tarun, Perry, Ada and Benger, Norma The Land, Body and Spirit Classification, Aboriginal and Islander Health Worker Journal, Vol. 19 No. 5, September/October 1995

ABORIGINAL AND TORRES STRAIT ISLANDER YOUTH

The Committee on the Elimination of Racial Discrimination in the year 2000 expressed concern about the disadvantage of Indigenous peoples in education, employment, housing and health and the rates of deaths in custody. This, the year of which the final document of the Reconciliation Council was handed to the Howard Government saw the first death of an Aboriginal youth under the Northern Territory government's mandatory sentencing laws. Given the approaches to the issue preferred by the Federal, Northern Territory and Western Australian Governments at this time, the situation for Indigenous youth seems bleak.

The situation of Indigenous people and youth in urban areas involves a number of interacting and related influences on lifestyle choices and opportunities. There are serious deficiencies in adopting solutions which focus on specific program provisions that do not address the interactions that give rise to problems and needs. The experience of Indigenous youth is permeated by the experience of discrimination, negative and low expectations and social stereotyping. The problems of disappointing education and health outcomes for Indigenous youth despite improved program provisions are evidence of the inadequacy of programatic approaches to solutions. There is also the implication that the prescribed program solutions are convenient for providers and policy-makers, who are then prone to perversely blame the "intractable" clients for the lack of satisfying outcomes.

Define the age grouping

Although Indigenous youth comprised 3% of all young people aged 15-24 in 1996, they formed only 1% of young people in large cities.

In 1996, Indigenous young people were less likely to be living with a parent than all youth (46% compared with 63%, respectively). They were more likely be living with relatives other than there parents (15% compared with 5%) or to have made the transition to independent living and to be partners or parents themselves (27% compared with 15%).

While this national trend was evident in urban and rural areas, young people in large cities were more likely to live with their parents and less likely to live with other relatives or to be parents or partners than youth in small to medium population centres or rural areas. Group household living was at much the same level among Indigenous young people in large cities as for all youth, but at lower levels elsewhere.

Table 4. Youth: living arrangements(a)

Relationship in household	Major Urban	Other Urban	Rural	Total Indigenous	Total
	%	%	%	%	%
Living with family members					
Partner	15.1	18.5	21.7	18.3	13.0
Lone parent	8.4	9.4	6.8	8.4	2.1
Child	47.6	45.6	43.2	45.6	62.9
Other relative	9.7	13.9	21.4	14.6	4.9
Total	80.7	87.4	93.1	86.8	82.9
Not living with family members					
Lives alone	4.3	3.1	1.7	3.1	4.1
Group household	10.0	5.7	1.9	6.0	10.4
Boarder	5.0	3.8	3.3	4.0	2.6
Total	19.3	12.6	6.9	13.2	17.1
Total	100.0	100.0	100.0	100.0	100.0
	'000	'000	'000	'000	'000
Total	18.6	24.2	15.6	58.4	2,312.8

Source: 1996 Census of Population and Housing
Footnote: a. Persons excluding visitors in private dwellings.

Only 30% of Indigenous young people were attending an educational institution at the time of the 1996 Census compared with almost 50% of all youth. Attendance was higher in large cities and lower in rural areas. Of all young people who were attending an educational institution, half were at school and half were at post-school institutions. For Indigenous young people, a greater proportion was at school (63%) and a corresponding smaller share was studying at post-school institutions. Indigenous young people in urban areas were more likely than those in rural areas to attend TAFE, while those in large cities were the most likely to attend university.

Table 5. Youth: education and employment(a)

Selected characteristic	Major Urban	Other Urban	Rural	Total Indigenous	Total
	%	%	%	%	%
Proportion of total youth population	1.3	5.0	6.1	2.6	100.0
Attending educational institution	35.6	29.9	22.1	29.7	49.3
Of young people attending educational institution, proportion at:					
School	53.7	65.4	75.2	62.7	50.9
TAFE	22.9	23.1	17.0	21.8	17.6
University	19.6	9.0	4.7	12.3	29.0
In labour force	54.7	49.6	47.3	50.7	65.2
Of employed young people, proportion working 35 hours or more	64.3	55.7	37.3	53.5	59.0
Unemployment rate	33.6	36.2	21.1	31.5	15.7

Source: 1996 Census of Population and Housing

Footnote: a.   Proportions based on stated responses.

Responsibility for meeting the needs of young people

The August 1996 Federal Budget cut ATSIC's total allocation by $470,000 million over four years from 1996/97. At the same time it was required that ATSIC maintain minimum levels of expenditure on Community Development Employment Projects, Community Housing and Infrastructure, and support for Native Title Representative Bodes. Together these comprised two-thirds of ATSIC's program outlays. The Board as a result had to make some very hard decisions on how to accommodate the cuts. The Board decided to continue to support activities which:

- promote the distinct identify of Indigenous Australians
- preserve Indigenous cultural heritage;
- enhance the rights of Indigenous peoples; and
- are not provided for by other agencies.

This meant that the Board with great reluctance was forced to terminate three important initiatives:

- the Community Training Program;

- the movement to award wages program, making community organisations themselves responsible for providing award wages to their staff; and

- the Community and Youth Support Program, which meant that other Commonwealth, State and Territory agencies had to take up their responsibility for providing to provide needed community services and welfare to Indigenous peoples.

Most Regional Councils see an ongoing need for support to organisations assisting youth and the loss of Community and Youth Support (CYS) programs is still felt by Regional Councils and the community.

An examination of ATSIC Regional Council plans shows the range of needs include services for children at risk, such as outreach programs, juvenile justice and diversionary initiatives, sexual and physical abuse programs, using Indigenous families in fostering and adoption interventions, through to services for the gifted and young people in between.   Basically these programs can be summarised as all programs that are citizenship rights and a mainstream agency responsibility that are not being adequately met and is still very much in demand.

Education

Any assessment of Aboriginal and Torres Strait Islander education must take into consideration the broader issues which impact on the academic achievement levels of Indigenous students. These issues include poverty, racism, low standard of living conditions, lack of access to essential resources and infrastructure, the history of the relationship between the education system and Indigenous peoples, high rate of teacher turn over, the teacher to student ratio (which is as high as one to fifty five in some remote schools) and health problems, such as otitis media which contributes

significantly to hearing loss in Aboriginal and Torres Strait Islander students which in turn impacts negatively on the learning abilities of students.

Access, participation and retention rates

Within the definition of the western model-participation rates alone is an incomplete measure of the educational experiences of Indigenous peoples. The definition needs to take into account issues such as community involvement in decision making and self-determination that form important elements of community life. Participation does not exist in isolation and any discussion must also take into account the differences in histories, communities and individuals. This is not to say that the collection of data is not important. Statistics can be used to monitor trends in education and to monitor both improvements and inequities that have a way of surviving change.

Aboriginal and Torres Strait Islander students are placed in extreme disadvantage in terms of access to and equitable participation within the education system. This is reflected in the low percentage retention rates of Aboriginal and Torres Strait Islander youth in education. There are many reasons for this including, high level of expectation - where Indigenous youth are being treated as adults within their communities and as children at the learning institute, poor health; the increasing use of drugs and alcohol; family violence; over crowding at home; poor nutrition; the deterioration of family cohesion; frequent moving; and, racism.

Over the years there has been a steady increase in the number of Indigenous peoples pursuing an education at tertiary level. The reason for this has been the establishment of Aboriginal and Torres Strait Islander units in many of the universities around Australia. This has resulted in a steady increase in Indigenous students either staying in education or returning to study.

These Centres or units were originally designed to cater specifically for those students who wished to further their education in tertiary studies. Now they play a strong advocacy role within the university and serve as a cultural exchange centre on Indigenous issues.

Improving the health status of young people is a high priority in Regional Plans. Strategies identified include:

• Culturally appropriate Indigenous involvement and participation in educational decision making.
• Equality of access to education including improved retention rates to Year 12.
• Increasing the number of employment opportunities in the education sector for Aboriginal peoples and Torres Strait Islanders including in professional roles.
• Establishing a Regional Council advisory committees on education to work with all relevant government and non-government service providers
• Retention of ABSTUDY
• Provision of appropriate training to teachers in how to work with Indigenous peoples
• Development of culturally appropriate curriculum materials.

Bilingual Education

On 1 December 1998, the Northern Territory (NT) Minister for Education, Mr Peter Adamson, announced his decision to progressively phase out bilingual education programs replacing them with English as Second Language programs (ESL). This announcement has provoked strong opposition at the local, national and international level.

The ATSIC Board holds strong views regarding the importance of bilingual education programs in the Northern Territory (NT). At its February 1999 meeting, the Board discussed the impact of the NT Government decision to phase out bilingual education programs in Aboriginal schools and voted to condemn the decision. The Board expressed extreme concern over the speed of the phasing out process and of the lack of any meaningful consultation with the affected schools and communities regarding the decision. The ATSIC Board also declared that the decision to remove bilingual education programs is a denial of the right of Aboriginal peoples and Torres Strait Islanders to equitable educational services and an attack on our cultures.

It is the Indigenous youth who have much to lose because of the Northern Territory's government's decision to progressively phase bilingual education and replace it with English as a Second Language program. This type of action shows the inability of government to recognise the uniqueness of Indigenous language to culture and how vital it is to the maintenance of culture. In a holistic approach you cannot separate the dreaming, law, language. The dreaming dictates the law, the language is what is used to interpret the law and process not unlike the creation of British law. However, unlike the British language which is "borrowed" from many nations and so is the law, Aboriginal and Torres Strait Islander laws are not "borrowed" nor are their laws.

Forcing Indigenous youth to take the path set by the Northern Territory's government can only serve to weaken a culture that has been in place for over 40,000 years. The Northern Territory's government and indeed all state and territory governments are only too happy to "showcase" the richness of Indigenous culture when marketing tourism but are reluctant to assist in its preservation.

Languages Other Than English (LOTE)

The inclusion of Indigenous languages in the educational curriculum forms an integral component of the educational aspirations of many Aboriginal and Torres Strait Islander parents in relation to schooling. In order to address this demand a number of models for incorporating Indigenous languages within the curriculum have been developed. The LOTE model, when implemented with the support of the local Indigenous community, has worked very effectively. To ensure that the success of the program continues, resources need to be increased to allow participating schools the opportunity to develop LOTE programs.

Teachers lack of cultural awareness and ESL qualifications

ATSIC notes with concern that the greater majority of teachers and principals who work in schools that have a high Indigenous population or where the vernacular used by students is Indigenous, do not have English as a Second Language (ESL) qualifications. ATSIC is also concerned at the lack of pre-teacher training and in-service Aboriginal and Torres Strait Islander cultural awareness training provided to teachers and principals. The study, Desert Schools (National Languages and Literacy Institute of Australia, 1996), emphasised that this lack of specialised training for teachers and principals had a negative effect on Indigenous children's acquisition of English literacy skills (Batten, Fringo, Hughes and McNamara,1998:15).

The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (1992), in its report, Language and Culture- A Matter of Survival, attributed much of the academic failure of Aboriginal and Torres Strait Islander students to perform well in school to a lack of understanding and cultural awareness by teachers (Batten, Fringo, Hughes and McNamara,1998:14). The National Board of Employment, Education and Training (1996), in its report, The Land Still Speaks: Review of Aboriginal and Torres Strait Islander Language Maintenance and Development Needs and Activities[xx] made specific recommendations relating to the need for specialised training for teachers in English as a Second Language and cultural awareness.

ATSIC advocates that English as a Second Language (ESL) qualifications be required by all teachers and principals who are based in schools that have a high Aboriginal and Torres Strait Islander population or where the vernacular used by students is Indigenous. In-service cultural awareness training for teachers and principals should also be developed to provide greater appreciation of the cultural and linguistic traditions of Aboriginal and Torres Strait Islander students.

Health

Australia's Indigenous population is considerably younger than the non-indigenous population and Indigenous health disadvantage begins at birth.

Whilst Commonwealth and State health authorities have made significant progress in preventing infant deaths from infectious diseases and common childhood illnesses, Indigenous children are still less likely to be immunised against childhood illnesses. The rate of SIDS deaths (Sudden Infant Death Syndrome) amongst Aboriginal and Torres Strait Islander infants is four times that in the broader community.

Governments are also concerned that the high level of otitis media in many remote communities. Common middle ear infections that often occur in children progress in these remote communities to otitis media with effusion or to chronic superlative otitis media. As a result, too many Indigenous children suffer permanent hearing loss, with consequences for their schooling and their employment prospects as adults.

As children and adults, Aboriginals and Torres Strait Islanders suffer higher mortality and morbidity from all causes as a direct consequence of their economic and social

disadvantage. Of particular concern are the excess trauma deaths. Many of these are linked to road accidents, as many Aboriginal and Torres Strait Islander families must travel long distances over poor roads. Other trauma injuries are directly attributable to alcohol abuse and the violence or social upheaval in communities.

The suicide rate among Indigenous youth has risen to alarming rates. The causes of youth suicide go well beyond issues relating to mental health alone, and are linked to youth unemployment, alienation and powerlessness. Whilst more counselling services and targeted mental health programs are required, the underlying causes of discrimination and exclusion must also be addressed. Many of the services currently available are set up to deal with the extreme cases and not 'intermediates'.

Improving the health status of young people is a high priority in Regional Plans. Strategies identified include:

- Improved inter sectoral collaboration in developing health services for all Indigenous peoples.
- Increasing community health services to Indigenous youth including providing culturally appropriate services and health information.
- Increasing the number of employment opportunities in the health sector for Aboriginal peoples and Torres Strait Islanders including in professional roles.
- Outreach services regarding substance abuse, sexual abuse, and mental health.

Housing

Housing is an important indicator to environmental health. In Indigenous communities a home may serve as a residence for a number of family members including extended kin. Therefore, there is a greater demand on electricity, gas, water usage, sewage facilities, and so high utility costs.

ATSIC provides funds to Indigenous Community Housing Organisations for housing, housing-related infrastructure and essential services through its Community Housing and Infrastructure Program (CHIP). However, there is not specific targeting of young peoples' accommodation needs. ATSIC has an advocacy role working with various inter-departmental committees looking into youth homelessness and youth housing needs.

In 1996 the Prime Ministerial Youth Homeless Taskforce was set up to report on youth homeless.

The conclusions from that report highlighted the need for an early intervention framework, including the interface with states and territories at local program levels, acknowledging a broad range of community expertise and the need for a broad definition of family reconciliation to be promoted and adopted. The Task Force also noted the need to adequately respond to Indigenous communities.

The Supported Accommodation Assistance Program (SAAP) provides transitional supported accommodation in order to help people who are homeless. Data indicates that young people constituted a large proportion of homeless people receiving SAAP

assistance (15-19 year olds made up 20%; 20-24 year olds made up 16% and under 15 made up 2%).

12% of all people using homeless services were from Indigenous background (against 2% of total Australian population). A range of health employment, housing, education, cultural and historical factors would suggest that Indigenous people are at particular risk of homelessness. A study Homelessness in the Aboriginal and Torres Strait Islander context and its implications for SAAP(Keys Young), was prepared for the Department of Family and Community Services and published in 1998. One of the issues highlighted in the report was that Indigenous people did experience a number of barriers in using SAAP services and these resulted in some homeless people going without the help they needed. Access would be made easier by increasing Indigenous involvement at all levels of the program and adopting a more coordinated, comprehensive and pro-active stance to access and equity issues in mainstream services. A Working Group has been established to consider the findings from this report and develop strategies that will enable SAAP to provide appropriate and sufficient responses to meet the needs of homeless Indigenous people.

While any initiative in making available affordable and assessable housing is welcomed, policy drivers must take into account the fact that most Indigenous peoples, especially youth, are on some form of government benefit or grants such as unemployment benefits or study grants.

Youth homelessness is not prominent as a separate issue in Regional Plans. More common is the issue of youth accommodation. Needs identified include:

- Youth accommodation including hostel style accommodation
- The establishment of youth crisis accommodation
- More research into youth accommodation needs.

Income

In 1996, according to the ABS Census the median income for Indigenous youth was calculated at $171 per-week, two thirds of the median for the total population aged between 15-29.

It is recognised that the median income for young people tends to be lower due to greater participation in the education system. Once into the workforce the disparity between Indigenous and non- indigenous income does not decrease, tending to point to the lower outcomes for Indigenous youth from the education system.

Unemployment

The unemployment rates for Indigenous youth in 1996 was double that of non-indigenous youth.

The main difficulties reported by Indigenous youth in finding in job were a perceived absence of jobs, either in the local area or in a suitable line of work; transport problems in getting to work, or work being too far to travel; and insufficient education, training skills.

For Indigenous youth who wanted to work but were not actively seeking work, the main reason given for not looking were study commitments. Reasons for females included all the above plus family commitments and a lack of childcare facilities.

The most commonly relied upon initiative for employment is the CDEP. Other strategies proposed in ATSIC Regional Plans are:

- Facilitate moves into the mainstream economy
- Set up a regional Aboriginal Development and Employment Program Committee
- Establish joint initiatives with agencies like DEWRSB
- Include Regional Councillors and ATSIC staff on job interview panels

The Legal System

The juvenile justice system is undergoing dramatic change within the legal system. There is a strong conservative political push towards a punishment model that is 'just'. It is unfortunate that the largest numbers of clients of the 'just' system happen to be Indigenous youth.

The rate of contact with the criminal justice system for Indigenous youth far outweighs the rates for the rest of the Australian youth population (Social Justice Report,1999:47).

The juvenile justice system as it stands is unacceptable and discriminates against Indigenous youth in a number of ways. It discriminates through the use of broadening police powers to apprehend and arrest on suspicion.

It discriminates by statute through the mandatory sentencing acts of the NT and WA which the Federal government is seen to be endorsing by its refusal to override these laws.

ATSIC contends that mandatory sentencing laws impact on Indigenous Australians more than any other sector of Australian society. Rather than mandatory sentencing regimes, ATSIC believes that diversionary programs offer much more productive and meaningful alternatives. We anxiously await positive changes in the Northern Territory practices as a result of the Commonwealth funding announced on 16 October for diversionary programs.

The amendment to the *Juvenile Justice Act* now allows 'second strikers-aged 15-16 years of age' to be referred to a 'diversionary program' for 'one last chance'. However, to be eligible for acceptance into a program the offender has to meet stringent conditions and, so far, the scheme has enjoyed little success.

Another amendment to the NT mandatory sentencing laws for adults-which takes in youth aged 17 to 25-is only available to first-time offenders who have the financial means to make good financial restitution, who are able to prove their previous good character and show they have cooperated with the police. The homeless, unemployed, mentally ill Aboriginal peoples and Torres Strait Islanders who are most disadvantaged by mandatory sentencing laws are often not able to meet the strict guidelines required to take advantage of the amendments.

The Aboriginal and Torres Strait Islander Social Justice Commissioner in his 1999 report highlighted the fact that "the most effective anti-crime programs are the ones that address poverty, homelessness, discrimination, child abuse and neglect, family breakdown, exclusion from education and other programs. Programs that provide support for people at risk of offending are the most successful in preventing crime" p155

There are a number of departmental initiatives that confirm that support for building a stronger community is better than policy initiatives that are punitive.

In a country town in NSW a pilot family conferencing scheme was set up based on a New Zealand model whereby the offender can accept responsibility and make amends to the victim. This course of action is available to crimes of a minor matter. It gives the offender a 'second chance' and generally means avoiding having a conviction recorded.

Recent reports indicate that the scheme has been a success and has created interest nationwide.

However, there are critics who believe that it is not desirable as it may be seen as going 'soft' on offending juveniles.

Violence

Indigenous youth are continually at risk of increased violence. Domestic violence is an area of concern shared by government. The Federal government has a Proposed Plan of Action for the Prevention of Child Abuse and Neglect in Aboriginal and Torres Strait Islander Communities.

In September 1996 the Minister for Family Services launched the 'Proposed Plan of Action for the Prevention of Child Abuse and Neglect in Aboriginal Communities'. This report was compiled by the Secretariat for the National Aboriginal and Islander Child Care (SNAICC) after widespread consultation with Indigenous communities around Australia. SNAICC has informed ATSIC that none of the recommendations contained its report have been implemented by either Commonwealth/and or State/Territory agencies. ATSIC believes that if this report was adopted it would have significant benefits for Indigenous children/youth and communities.

Racism And Identity

The greatest challenge that many young Aboriginal peoples and Torres Strait Islanders experience today has to come to terms with 'who are they'. These challenges are the result of the overt racism which they continually face simply because they are different to 'mainstream' Australians, the constant and intense public scrutiny to which they are subjected to, the perception that they receive more favourable treatment then others and the need for other Australians to control the ownership of their identity.

The need for others to control the identity of Aboriginal and Torres Strait Islander Australians has been to the forefront of non-indigenous people since the coming of the first fleet. It is one of the colonial cultural behaviours of the forefathers of Europeans that has survived.

Indigenous youth continually face racial discrimination. Australian governments have done little to counter the discrimination. The youth are continually exposed to racial physical and mental abuse at school, social functions, shopping, walking down the street. Indigenous youths in rural towns are particularly open to racial abuse. There are rural towns where non-indigenous populations are quiet open about the racial abuse and tension.

It may be argued that racism in recent years peaked in Australia following the 1996 Federal elections when the member for Oxley Ms Pauline Hanson took office and toured Australia as the voice of the middle class oppressed.

Ms Hanson's actions harmed the plight of Indigenous peoples. The Indigenous youth were easy prey for those who agreed with what Ms Hanson even though much of her campaign was based on mistruths.

The current debate on the removal of Aboriginal and Torres Strait Islander children from their families has had a profound impact on Indigenous youth through the misinformation that is fed through the media. At the height of the debate the portrayal through the media and Australian parliament has caused a lot of anxiety and pain for Indigenous youth. This was not helped by the actions of the Australian parliaments who allowed for the fostering of misguided information to be fed to the public through the media.

The Federal government has failed and continues to fail in its duty of care to Indigenous youth. This government is guilty of encouraging the misappropriation of culture, knowledge, law, and identity. This government continues to ignore the fact that the injustice of the past is the making of the present in terms of current issues that continually hound Indigenous youth instead of encouraging a better understanding of issues from the perspective of Indigenous youth.

Separation From Parents

The separation of Aboriginal and Torres Strait Islander children from their families began in the early period of Britain colonialism of Australia. It became a focus for

governments when the Bringing Them Home Conference was held in Darwin during the early 1990s. The Conference highlighted and bought to the forefront of Indigenous issues the fact that Australia had a history unknown to many but which had to be addressed.

The removal of Aboriginal and Torres Strait Islander children from their families has far more reaching ramifications then the Australian governments are willing to recognise or acknowledge. These include the invisible legacies left by the practice of removing children from their families. Normally a legacy implies a gift or endowment left to assist those affected by experience. For the Aboriginal and Torres Strait Islander children removed the only legacy they and their family have is one of pain and suffering.

The Australian government's response and that of the Aboriginal and Torres Strait Islander Minister Senator Herron, is to make the event insignificant on that basis that only 10% of Aboriginal and Torres Strait Islander children were removed. Regardless of the calls from removed children and their families, supported by large numbers of Australian people, the Federal government has failed to apologise.

The Child Care Placement Principle, a policy aimed at placing Aboriginal and Torres Strait Islander children with appropriate carers, was adopted in 1986 in response to the objection by Aboriginal peoples and Torres Strait Islanders against the middle class values and standards that were being imposed upon Indigenous children.

The Child Care Placement Principle sought to ensure that the fostering and/or the placement of Aboriginal and Torres Strait Islander children would be with (1) other family members (2) extended family (3) other family members within close proximity.

Fourteen years on and still a number of States and Territories have yet to formally adopt the principle in law.

The Aboriginal and Islander Child Care Placement Principle was also highlighted in Recommendation 54 of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) which states: 'that in States and Territories which have not already so provided there should be legislative recognition of:

(a)   the Aboriginal Child Care Placement Principle; and
(b)   the essential role of Aboriginal Child Care Agencies'.

The RCIADIC also found that of the 99 investigated 43 were removed from their family. The inquiry found that those affected by the legacy of being removed from their family suffered from mental health problem which led some of them to committing suicide, community disassociation and identity and culture problems.

Media Portrayal of Indigenous Issues

While recent high profile debates such as native title have forced many journalists to increase their knowledge of Indigenous issues, in the main the majority remain ignorant regarding the current issues that affect Aboriginal peoples and Torres Strait

Islanders in Australian society. This lack of knowledge generally manifests itself in reliance upon portraying Aboriginal peoples and Torres Strait Islanders in stereotypical "traditional" settings with notions of being "real Aborigines". The cultures of Indigenous peoples living in major urban and rural centres are not recognised by the media industry with the resulting lack of any media coverage. Considering that the greatest percentage of the Indigenous Australian population is under the age of 25 and that the greatest number of the Indigenous Australian population live in urban and rural settings, the exclusion of this target audience by the media is unacceptable. The lack of recognition of the cultures of Aboriginal peoples and Torres Strait Islanders living in major urban and rural centres impacts negatively on how Indigenous Australian children and youth perceive themselves, their cultures and their position within Australian society with the resultant loss of self-esteem, cultural identity and self worth.

Youth With Disabilities

This is an area that has been sadly neglected up until now. ATSIC and the Department of Family and Community Services Disability Advisory Council has jointly funded an initiative to establish a National Indigenous Disability Network group.

The terms of reference of the Working Party are to consider and report to the Council and ATSIC on two main issues. These are to determine the feasibility of establishing a National Indigenous Disability Network, including the proposed process and stages for its establishment, and the purpose and scope of the network; and to identify the nature and prevalence of disability in Indigenous communities by examining current research. The first meeting was held in Alice Springs on 2-3 August 2000.

Self Determination

Indigenous Australians were represented at the Second World Congress on Family Law and the Rights of Children and Youth by Commissioner Brian Butler, the then Chairman of the Secretariat of Aboriginal and Islander Child Care (SNAICC). The views espoused by Mr Butler at this Congress regarding self determination for Indigenous Australians are supported by ATSIC and are outlined below:

(a)   a national system of Indigenous child and family welfare and juvenile justice underpinned by Commonwealth legislation, that recognises and implements the principle of the rights of self determination for Aboriginal peoples and Torres Strait Islanders in relation to their children and families;

(b)   a national system that supports the empowerment of local communities and/or family groups to organise and control a system of care for their children according to their customs and laws, incorporating their codes, family concepts, caring concepts and concepts of justice;

(c)   a national system that is integrated with other locally based, community run and controlled services, through national policy that complements this legislation; and

(d)   a national approach to the delivery of family and children's services that is designed by Indigenous peoples from policy to program areas, including the funding of the whole range of services for Aboriginal children and Torres Strait Islander children.

Recommendations contained within the HREOC Bringing Them Home report called on the Commonwealth to enact national standards legislation to protect the rights of Indigenous children as part of a social justice package. The Federal Government has rejected such an approach, maintaining that such legislation is best enacted by State and Territory Governments.

The prime responsibility now rests with the Commonwealth Department of Family and Community Services and the Department of Education, Training and Youth Affairs.

Sport and Recreation

Sporting and recreational activities provide young Aboriginal and Torres Strait Islanders with the ability of competing on an equal ground, developing self-esteem, social interaction skills, confidence as well as social cohesion and togetherness.

The pursuit of recreational activities, whilst integrated in some program such as health and spiritual activities via recreational activities is invaluably funded by other sections within ATSIC or other departments/agencies. The recreational component lags behind due to the large and ever increasing demand for sports funds and the limited funds available.

Social Welfare Reform

The Federal Governments Social Welfare Reform discriminates against Indigenous youth in that it is based on a western concept of "mutual obligation". It fails to recognise that Aboriginal and Torres Strait Islander existence and survival is based on mutual obligation and more importantly rights.

The Community Employment Development program (CDEP) a government initiative embraced by Aboriginal and Torres Strait Islander communities over 20 years ago is based on mutual obligations.

What makes it different to the new model is that attached to the government's welfare reform is the penalties attached to non-performance of their concept of 'mutual obligation'.

It is these penalties that are a trap for Indigenous youth especially those who speak an Indigenous language and where English as the main language it is less than 2 %. These penalties range from withholding of funds to total withdrawal of benefits for failing to submit the forms on time. It becomes a real issue when you live miles from town and the only transport is the 'community car/bus'.

Reconciliation

Recognition of the human rights of Indigenous Australians and the ability of Indigenous Australians to exercise those rights freely within Australian society forms an integral part of the reconciliation process. Within this process the rights of Aboriginal and Torres Strait Islander youth must also be fully recognised, acknowledged and acted upon by governments.

The Reconciliation process had been embraced by Indigenous youth who have placed it high on their agenda for the year 2000. The Indigenous youth are not alone in their quest for a way forward they are joined by non-indigenous youth around the country who share their vision for a united Australia but one where individuality of language, religion, values, attitudes and behaviours are accepted and not dehumanised.

The support of the reconciliation process was evident when in June this year people from all walks of life responded to the call of the Reconciliation Council for a show of support for the movement and join the walk across the Sydney Harbour Bridge. The day was a resounding success despite the knockers who sought to marginalise the supporters.

This show of support for reconciliation was then repeated again and again across Australia. Despite the strong conservative view of those with strong British sentiments there is a new generation of thinking which will continue to push for change.

The Federal government has refused to accept the recommendation in the Reconciliation document and has bluntly refused to sign off on the document and instead 'spat the dummy' and released it own document. This behaviour has no creditability. How can one not chose a document that was 10 years in the making against one that had been created in less than a year.

Challenges Ahead

To raise the profile of Indigenous youth to a point where their voice will be heard and most importantly listened to.

Lobbying government for the inclusion of Indigenous representatives on government working parties, Taskforces, and Royal Commissions dealing with Indigenous youth issues.

The implementation of strategies that address Indigenous youth issues and concerns as a matter of right and not as a case for special consideration.

MAINLAND TORRES STRAIT ISLANDER ISSUES

Prepared by the Office of Torres Strait Islander Affairs

The situation and needs of youth

The maintenance of cultures for Torres Strait Islander youth is a constant challenge. In some areas it would appear that our youth are losing their culture.

More recognition needs to be given to youth and to involving them more in community activities, teaching them more about their culture, and involving them more with the elders. The majority of Torres Strait Islander relationships are with Aboriginal and non-indigenous people on the mainland. As a result culture is often hidden from young people due to the lack of access to elders.

More information needs to be provided on Torres Strait Islander issues at the "*Youth-Round-Table*" forums. And it is important to recognise the need to ensure that the full diversity of Torres Strait Islander circumstances, of mainland and the Torres Strait, are recognised when putting together representation at these particular forums.

Maintenance of Torres Strait Islander cultures

Culture is what makes Torres Strait Islander people unique. There is a need for a comprehensive and continuing approach to practise, preserve and maintain what is uniquely Torres Strait Islander culture. The establishment of cultural centres in each State/Territory is required to act as a focus for the maintenance and promotion of Torres Strait Islander culture and its recognition by the wider community.

Museums and galleries tend to place more emphasis on Aboriginal art and cultures, yet appear to hide Torres Strait Islander art and culture which is unique in its own right. It is important that links be maintained with the Torres Strait to ensure the preservation of our culture, especially for the new generations.

The communication and sharing of our culture with the wider Australian community and to ensure its recognition is an important aspect of the reconciliation process. As is language maintenance a high priority. There is a very close link between culture and language, and data from the 1996 ABS Census shows some very startling facts. For example 77 % of Torres Strait Islanders living in the Torres Strait area speak a language other than English at home, in stark comparison to Torres Strait Islanders living in mainland Australia of whom on 20% speak a language other than English at home. This would indicate a very large threat to Torres Strait Islander culture when immersed into a western cultural environment.

Customary Adoption

Recognition of customary adoption is a significant issue within Torres Strait Islander culture. Adoption in many forms has long been practised in Torres Strait Islander society. Such practises are directly related to "*Ailan Kastom*" (Island Custom). Customary adoption practises need to be recognised and acknowledged in legislation. The aim for Torres Strait Islanders is to have a system of documentation and legal recognition of a traditional custom, and for Torres Strait Islanders to have a legally

recognised body which can intervene and advise in disputes involving customary child care practise.

Involvement in Decision Making:

Mainland Torres Strait Islanders are experiencing problems with access and equity issues to funding bodies, programs and services. Mainland Torres Strait Islanders are therefore seeking representation on decision-making bodies such as the ATSIC Board of Commissioners, Regional Councils, Parliament, and, Commonwealth, State and local government bodies.

Mainland Torres Strait Islanders have often commented that the creation of an autonomous Torres Strait Commission could have the potential to make Torres Strait Islanders living on the mainland victims of the '*pass the buck'* syndrome and to make us the forgotten people unless our position is recognised by all levels of Government.

Education, Training, Employment & Opportunities for Economic Independence:

All Indigenous peoples seek to reduce their dependence on welfare support. To this end there is a need for a national strategy to improve educational outcomes for Torres Strait Islanders on the mainland. Currently 36% of Torres Strait Islanders left school at age 15 years or under compared to 34% of the general Australian population and 75% have no post school qualification compared to 58% of the general population.

A national office staffed by Torres Strait Islanders needs to be considered to implement the priorities and goals of the National Aboriginal and Torres Strait Islander Education Policy Statement (NATSIEP) so that specific measures can be taken to improve the educational outcomes for Torres Strait Islander children in formal schooling.

Torres Strait Islanders are no less disadvantaged with respect to employment and income. Torres Strait Islanders living on the mainland have double the unemployment rate of those living in the Torres Strait (10%:5%) and subsequently a lower household average weekly income. Torres Strait Islanders on the mainland, along with Aboriginal people, need to share equitably in economic development opportunities as a foundation for our self-empowerment in accordance with Government policies.

Research undertaken by the Centre for Aboriginal Economic Policy research (CAEPR) indicates that Torres Strait Islanders on the mainland occupy a position of intermediate economic status between that of our counterparts in the Torres Strait and that of Australians in general. This puts mainland Torres Strait Islanders at a general disadvantage within Australian society.

Health

Along with Aboriginal people, Torres Strait Islanders have the worst health of any identifiable group in Australia. Substance abuse, mental health, child abuse and neglect are just some of the issues Torres Strait Islanders face with their non-Torres Strait Islander counterparts.

Death rates among Torres Strait Islanders are 2.5 times that of other Australians. Torres Strait Islanders are 25 times more likely to die from diabetes than our non-Torres Strait Islander counterparts, 6 times more likely to die from pneumonia, and 15 times more likely to die from hypertension. Overall the health situation among Torres Strait Islanders is deteriorating.

It is important to support the development of a specific Torres Strait Islander health strategy to improve the delivery of health services. Torres Strait Islanders living on the mainland need direct input into health decision-making. It is important that Torres Strait Islanders have their own representative on National Indigenous Health Councils.

Commonwealth, State, Territory and Local Government Policy, Programs and Services (including ATSIC)

Mainland Torres Strait Islanders experience major difficulties in access and equity issues relating to Government programs and services. There appears to be a general lack of understanding of Torres Strait Islanders, and the distinction from other Indigenous Australians. This distinction is justified on the basis of difference in race, language, customs, traditions and heritage.

Torres Strait Islanders have their own unique "*Ailan Kastom*", which is recognised in the Aboriginal and Torres Strait Islander Commission Act 1989. It is important that all Commonwealth, State, Territory and Local government programs and services, including ATSIC's recognise and acknowledge "*Ailan Kastom*".

Our case for equity is often difficult with a lack of data to show our circumstances. It is important that all data collection methods are developed to identify mainland Torres Strait Islanders' access to programs.

THE ROLE OF OTHER AGENCIES, AND SPHERES OF GOVERNMENT

Partnership Arrangements with Government Agencies
Including Contracted Service Delivery

Partnerships with State and Territory Governments

Partnerships with Local Government

Aboriginal peoples and Torres Strait Islanders have the right to all the human rights and freedoms recognised in international law as well as distinct rights as first nations peoples. We have the right to negotiate our political status and pursue our economic, social and cultural development whilst taking part in the life of the country as a whole.

Aboriginal peoples and Torres Strait Islanders have the right to effectively participate in policy making and in decisions that affect us. This includes the right to negotiate as partners at the national, state, territory, regional and local levels with all agencies, governments or companies before laws and policies affecting us are adopted. This includes the right to determine health, housing and infrastructure, economic and social programs.

Recognition of the importance of involving Indigenous Australians in decision making at all levels is central to the recognition of Indigenous rights.

To this end ATSIC's corporate vision is:

> *Aboriginal and Torres Strait Islander peoples and communities*
> *freely exercising our legal, economic, social cultural and political rights*

To achieve this vision requires a coherent and overall strategy and ATSIC's sees itself as providing leadership to help develop and implement that strategy with all Indigenous peoples in Australia.   Australia however has no history of making agreements with its first nations peoples.

The Council of Australian Governments (COAG) endorsed a *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal peoples and Torres Strait Islanders* on 7 December 1992. This Commitment recognised the express wish of Aboriginal peoples and Torres Strait Islanders for a commitment to change, and an acknowledgment of our rightful place in and right to contribute to Australian society and to share in Australia's land, wealth and resources.[xxi] It recognised that a commitment by governments across a wide range of areas is required to address the underlying and fundamental issues facing Aboriginal peoples and Torres Strait Islanders.

In addition to committing governments to important social justice programs and service delivery outcomes, the *National Commitment* provides a framework for a series of bilateral agreements between the Commonwealth and the States and Territories. Bilateral agreements have been negotiated in the areas of health and housing and infrastructure. These areas are to be commended for their work.

However, all aspects of social, cultural and economic life impact on each other and need to be brought together so that lasting and sustainable outcomes can be achieved as a result of this inter-connectedness. Given the diversity of circumstances of Aboriginal and Torres Strait Islander communities, even within the urban setting, there is a need for greater control and ownership to be exercised at the community level. Therefore, the over-riding approach must emphasise:

a.   a policy framework that recognises the role of Aboriginal and Torres Strait Islander residents in the development and application of both policy and programs at the community level.

b.   effective partnerships between the spheres of government and services providers and the local Aboriginal and Torres Strait Islander consumers.

Partnerships that facilitate community planning and identification of outcomes in conjunction with government agencies, private companies and local government will ensure long term and sustainable outcomes. Only through this process will we enhance the capacity of the community to engage in this approach on an equal footing and bring about long term sustainable outcomes. Such approaches, by engaging the community in identifying its own needs and developing programs to meet those needs, will help overcome social exclusion, provide programs and measures that are not "eurocentric" and meet the diversity of local circumstances.

Governments have not addressed the enormous disparity in our social and economic circumstances. Yet governments continue to introduce new policies and programs, without our involvement or consent. While the *National Commitment* was a very progressive document of its time, it was and still is a document about Aboriginal peoples and Torres Strait Islanders rather than a negotiated agreement to a framework including Indigenous Australians in the partnership.

International comparisons can be drawn with the Inuit in Greenland who have exercised home-rule since 1979, the Sami parliaments in Finland, Norway and Sweden, the 1830 treaty of Waitangi and the now Waitangi tribunal for investigating claims of infringements of Maori rights, the reserved seats for Maori in parliament, and the many treaties entered into by colonial powers and later the United States with Indian nations as well as similar treaties in Canada. US courts have upheld Indigenous sovereignty, and affirmed inherent powers of self-government. Such developments in national legal systems have been accompanied by parallel recognition of the distinct rights of Indigenous peoples in international law through the United Nations. The Australian government from time to time has placed great importance on the standard setting activities of the United Nations in other areas of law.   The universal declaration ensures each state's awareness of its duty to promote and protect human rights - which are now accepted as `universal, indivisible, interdependent and interrelated'.   We call for recognition in the area of Indigenous rights.

Partnership Arrangements with Government Agencies

&

Contracted Service Delivery

Partnership arrangements with government agencies

Indigenous Australians have the right to expect equal access and equity of service delivery from all agencies as a minimum standard. Indigenous specific programs are not intended to meet the total needs of Aboriginal peoples and Torres Strait Islanders. They are to supplement rather than replace the mainstream programs where mainstream programs are falling short, do not exist or require cultural adjustment. They provide a mechanism to help Indigenous people gain access to services.

There are many agencies Commonwealth, State, Territory and local and private that foster a belief that ATSIC or the State/Territory Indigenous agency or unit should address Indigenous issues. This practice is a denial of access and equity and provision of citizenship rights to our people. It is often a difficult issue however to prove this practice. Individuals and agencies often do not state this view outright but convey through inference, shoddy service, disrespect or denial to provide assistance. If there is an Indigenous liaison position, counter officer or unit there is a tendency to refer all calls. Agencies must address this bias and instead provide cultural awareness, training and interpreter services where appropriate to encourage the delivery of equitable services to all clients.

ATSIC seeks to enter into partnership arrangements with governments at both policy and program level. We often find we are hindered in our efforts by agencies concerned that ATSIC is will not provide "unbiased" advice, that we will advance an Aboriginal and Torres Strait Islander point of view. In other circumstances we find ourselves excluded from government deliberations because ATSIC is accredited as a non-government organisation under ECOSOC for UN purposes.

Contracted Service Delivery

For several years, Departments and agencies have increasingly contracted service delivery to private sector operators, most notably in regard to labour market programs for the unemployed. It would now be timely to look closely at the actual results of these arrangements, preferably also comparing them with service levels prior to the commencement of contracting. The Inquiry has an opportunity to closely inquire into aspects of these arrangements that relate to the access of Aboriginal peoples and Torres Strait Islanders to the program benefits and services.

Specifically, where contracting arrangements have been concluded for areas known to have significant Indigenous populations, it would be timely to inquire into the level of service actually provided. The provision of a pro active outreach service through field visits, information programs which are tailored to the circumstances of local Indigenous peoples and communities, and follow-up initiatives after initial contact are relevant aspects. Given that the remuneration available under contract varies with the nature of the clients' circumstances - for example, differing payment for service to short and long term unemployed persons - performance information that correlates Indigenous clientele and the different types of contract service actually provided may be a useful measure of performance.

An alternative method of dealing with resource intensive workloads when it comes to Indigenous clients is to pass on responsibility to ATSIC. Participants in the ATSIC-

funded Community Development Employment Projects Scheme (CDEP), most of whom are part time employees under the Scheme, are notionally entitled to certain Centrelink program benefits. That includes a supplementary payment of $20 per fortnight, rent assistance, Health Care cards, Pensioner Concession cards, Pharmaceutical Allowance and other "add ons". Access to the supplementation and add-on benefits is income tested and was facilitated by the introduction of the 1998 CDEP Budget Initiative.

In addition to the existing reporting conditions of CDEP organisations, the implementation of the CDEP Budget Initiative has imposed additional administrative and procedural requirements on CDEP organisations without any negotiation of contracting arrangements or a proportional increase in funding to offset this additional work. These activities include the requirements to provide Centrelink with personal details of participants to test eligibility for CDEP and providing additional support and information to participants to assist them in accessing these benefits. Centrelink's Community Agents Program (CAP) is also an initiative that fails to adequately address the full financial cost of CDEPs providing income support services to CDEP participants.

The Australian Taxation Office has also recently withdrawn remote area tax advice and support services for Indigenous Australians and this action will result in the work associated with providing these activities falling back on Indigenous organisations which are not funded for the provision of such support services.

The Committee might usefully look at the effects of contracting out, staffing cutbacks and efficiencies on the capacities of departments and agencies to provide services not only outside metropolitan and major urban centres but to specialised target groups within urban centres.

Partnerships with State and Territory Governments

The National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal and Torres Strait Islander Peoples was endorsed by the Council of Australian Governments at a meeting in Perth on 7 December 1992. The *National Commitment* sets out key principles and objectives to be adopted by governments in respect of the delivery of programs and services to Aboriginal peoples and Torres Strait Islanders. It recognises that a commitment by governments across a wide range of areas is required to address the underlying and fundamental causes of Aboriginal and Torres Strait Islander inequity.

In addition to committing governments to important social justice, program and service delivery outcomes, the *National Commitment* provides a framework for a series of bilateral agreements between the Commonwealth and States and Territories. These agreements set out detailed arrangements and objectives for specific functional areas of program and service delivery and incorporate the broader principles and objectives of the *National Commitment*.

The *National Commitment* also provides for ATSIC to enter into its own agreements with State and Territory Governments or Local Governments on arrangements for particular projects and programs.

In summary, bilateral agreements which come under the umbrella of the *National Commitment*, fall into two broad categories: those which are between the Commonwealth and State or Territory and in which the Commission has an involvement under section 7(1)(e) of the *Aboriginal and Torres Strait Islander Commission Act 1989* as amended; and those which the Commission enters into under the provisions of sub-section 10(2) of the Act.

Arrangements in joint responsibility agreements can involve a spectrum of cooperative activities including:

- shared data collection/information sharing/research activities
- forward planning/coordination
- demarcation of responsibilities
- joint funding arrangements
- decision making
- evaluation

The Commission, the Commonwealth, the States and Territories and Local Government have a shared interest and responsibility in the delivery of a range of services and programs to Aboriginal peoples and Torres Strait Islanders. In these areas of shared responsibility, there is clearly advantage in agreements between governments which set out the extent of that shared responsibility and the means of accepting the legitimate policy interests of the Commission and each level of government.

For many years ATSIC has been working with a Commonwealth agencies, State and Territory Governments and their agencies, to develop partnerships. The agreements fall into two broad categories. Firstly, where ATSIC has a lead role based on its

program and funding presence (eg housing) as well are areas where ATSIC has a representative or advocacy role (eg health); and secondly agreements with State, Territory and Local Governments. The following is a summary of the outcomes to date.

Communiques with State Governments

The incoming Board of Commissions in December 1999 agreed to hold every second Board meeting in the States and Territories.   The aim is to facilitate improved access by our community people to their Board as well as improve our partnerships with State and Territory governments. The Board held their June 2000 meeting in Victoria and went to Western Australia in October 2000. There are plans to visit another three States in 2001. The visits undertaken thus far have both resulted in the successful negotiation and signing of a communique (Attachments A and B). These agreements will hopefully lay a strengthened foundation for our joint efforts in policy development and service delivery.

The focus of the agreements are to outline a set of principles upon which the partnership for cooperation are based. The key elements for ATSIC are the increased involvement by Aboriginal peoples and Torres Strait Islanders in decision making to affect the quality of decision impacting on Indigenous peoples of that State and maximise expenditure and service delivery. Each of these factors will hopefully improve the equity share for Indigenous peoples.

Agreements where ATSIC has a lead role based on its program and funding presence

Housing

ATSIC and the Department of Family and Community Services have entered into Bilateral Housing Agreements with the governments of South Australia, Northern Territory, New South Wales and Western Australia (Attachment C). These agreements increase the effectiveness of program delivery through pooled funding arrangements and better program coordination. The agreements provide for strong ATSIC representation on decision-making forums in each State and Territory concerned.

Essential Services

Bilateral agreements for essential service provision have been negotiated with South Australian and Western Australian governments (Attachment D). At project level, through its NAHS arrangements, ATSIC seeks to ensure improvements by incorporating planning for recurrent management and maintenance of assets as part of the capital construction process.

ATSIC-Army

The ATSIC-Army Community Assistance Program commenced in 1997-98 (Attachment E). A total of $11.6 million, comprising of contributions from the Department of Health and Aged Care (DHAC) and ATSIC, was allocated for the first

round of projects in 7 communities identified as having high priority needs. These projects were completed in 1998-1999. The program was extended in 1999-2000 for a further 4 years, with DHAC and ATSIC agreeing to provide $40m to the program over the period 1999-2000 to 2002-2003.

ATSIC is currently reviewing bilateral arrangements in a number of States to determine the effectiveness of the arrangements and areas for improvement.

Agreements where ATSIC has a representative or advocacy role

Health

Primary Commonwealth responsibility, including funding responsibility, for the Commonwealth's Aboriginal and Torres Strait Islander health programs transferred from the then Department of Community Services and Health to DAA on 1 July 1985. It was retransferred from ATSIC to the then Department of Human Services and Health on 1 July 1995. ATSIC retained an advisory role on Indigenous health, including on policy and planning and on the National Aboriginal and Torres Strait Islander Health Council. This role was set out in a *Memorandum of Understanding* signed by the then Health Minister and ATSIC CEO, Ms Lowitja O'Donoghue, CBE, AM, on 30 November 1995 (Attachment F).

COMMUNIQUE FOLLOWING MEETING BETWEEN THE GOVERNMENT OF THE STATE OF VICTORIA AND THE BOARD OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION

The Premier of Victoria, the Hon Steve Bracks, the Attorney-General, the Hon Robert Hulls, and the Minister for Aboriginal Affairs, the Hon Keith Hamilton, met the Board of Commissioners of the Aboriginal and Torres Strait Islander Commission on 22 June 2000. This historic meeting occurred as part of the Board's first-ever meeting in Melbourne.

Principles

In the spirit of Reconciliation and *the National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders (1992)*, the Victorian Government and ATSIC agreed to:

- their ongoing commitment to the purpose, objectives, principles and frameworks contained in the *National Commitment*;

- the need for a true partnership at a State, Regional and local community level in pursuing healthy, self-determining Aboriginal and Torres Strait Islander communities;

- the need for joint leadership in progressing the process of Reconciliation within the Victorian community; and

- a commitment to work through Aboriginal and Torres Strait Islander community structures and institutions as appropriate to achieve improved outcomes in the social, cultural and economic well-being of Aboriginal and Torres Strait Islander communities in Victoria.

ATSIC Board members congratulated the Premier on Victoria's initiatives announced during Reconciliation Week. The participation of Victorian Koories in the bipartisan Parliamentary motion supporting reconciliation, the establishment of the Premier's Aboriginal Advisory Council (which includes ATSIC representation) and the government's commitment to a whole of government approach to indigenous issues were welcomed as important initiatives. In turn, the Premier noted the leadership role the ATSIC Chairman and Board had taken in shaping and directing the national debate on Indigenous issues and in seeking to improve economic and social outcomes for Australia's Indigenous peoples.

In particular, ATSIC noted that Victoria was the first state to sign off on an Aboriginal Justice Agreement. This landmark agreement is vital to realising the key thrusts of the Royal Commission into Aboriginal Deaths in Custody Report. In

congratulating Victoria, the ATSIC Chairman Mr Geoff Clark endorsed the Premier's remarks on launching the Agreement when Mr Bracks said that the agreement "is a determined effort to address indigenous disadvantage within the Justice system.......one of its fundamental aims is to have indigenous input wherever and whenever Koories come into contact with the Justice system - from the local police, through the courts, to the most senior levels of policy development."

ATSIC also endorsed the Victorian Government's view that Aboriginal land and culture are central to reconciliation. The Victorian Government's intention to promote a negotiated approach to native title claims was welcomed by ATSIC, which agrees that litigation is damaging for relations between Government and the Indigenous community.

Initiatives

The meeting agreed on the following specific initiatives that have been generated through mutual agreement of Aboriginal Affairs Victoria, the Chairpersons of Binjirru and Tumbukka Regional Councils and the ATSIC Commissioner in Victoria:

Indigenous Economic Development

The Commission and the Victorian Government agreed on the value of a shared approach to developing an economic base within the Victorian Indigenous community.

"We believe building Indigenous equity in the Victorian economy and including sustainable employment opportunities for Aboriginal people is of paramount importance," Mr Bracks and Mr Clark said.

Mr Bracks and Mr Clark said the State Government and ATSIC officials would work cooperatively to explore new strategies which link Commonwealth and State effort in this area.

Joint Tourism Initiative

The Victorian Government and ATSIC will contribute $50,000 each to develop Indigenous tourism within Victoria.

The purpose of the initiative is to coordinate and document information on Indigenous tourist sites in the State.

"We see Indigenous tourism increasing in popularity among Australians and overseas visitors," Mr Bracks and Mr Clark said.

"Expenditure of a relatively small amount of money now to make these sites better known and more accessible to visitors will pay dividends in terms of tourist dollars coming to Victoria and employment of Indigenous and non-Indigenous staff in educational and managerial positions associated with the sites."

Promoting Aboriginal Home Ownership

In order to address the low rates of home ownership of Aboriginal people, the Victorian Government and ATSIC will cooperate to extend the government's successful Group Self Build Scheme to Indigenous Victorians. Two specific projects for Aboriginal people will be undertaken.

Aboriginal Cultural Heritage Management and Protection

A pilot project will be developed by ATSIC and the Victorian Government to facilitate transfer of control of Aboriginal heritage management activities to communities through the development of the skill and knowledge of community members. The project will also improve understanding and management of Aboriginal cultural heritage in Victoria.

The project will develop a set of principles to guide future Indigenous heritage management projects, which may inform the establishment of similar projects across Australia.

Youth Advisory Committee

An in principle agreement has been reached to assist Aboriginal youth form an independent Indigenous Youth Advisory Council. A number of initiatives are proposed to ensure that issues of concern to Koori Youth are considered in Government decision-making processes.

Priority Areas for Cooperation

In addition to these initiatives the Victorian Government and ATSIC agreed to coordinate their efforts in the following areas:

- Improvement of health outcomes for Indigenous Victorians, including reducing higher-than-average rates of infant mortality, treatment of illnesses prevalent in the Indigenous community and implementation of strategies to counter substance abuse.

- Work to achieve improved education outcomes for Indigenous Victorians, including increased retention of Aboriginal and Torres Strait Islander children in the school system to Year 12 and growth in the number of Indigenous students at Victorian universities.

- Development and implementation of strategies to enhance Indigenous vocational education and training and employment outcomes including facilitating the skills development and movement of participants through the Community Development Employment Projects scheme to sustainable employment, where that is possible.

- Coordinated planning and delivery of State and Commonwealth rental housing programs.

- Address issues arising from recommendations of the Bringing Them Home report and support expansion of the Link-up program ensuring the program meets the needs of the Stolen Generations.

Steve Bracks   **Geoff Clark**
Premier of Victoria   **Chairman**
                                                     Aboriginal & Torres Strait
                                                     Islander Commission

Joint Communiqué
The Government of Western Australia
and
The Aboriginal and Torres Strait Islander Commission

The Premier of Western Australia, the Hon Richard Court, the Minister for Aboriginal Affairs, the Hon Dr Kim Hames, and the Board of the Aboriginal and Torres Strait Islander Commission (ATSIC) met on 18 October 2000 to further strengthen and give effect to their commitment to jointly improve outcomes for Indigenous citizens in Western Australia.

They confirmed a renewed vigour to the *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders*, an agreement signed by Heads of Governments in 1992.

PRINCIPLES

The Government of Western Australia and the ATSIC Board agreed on the following principles to guide the achievement of improved outcomes:

- Recognition and respect for the unique status of Indigenous peoples as original inhabitants of Western Australia.

- Recognition of the citizenship and Indigenous rights of Aboriginal peoples and Torres Strait Islanders.

- Recognition of the native title rights of Indigenous peoples consistent with relevant laws.

- Recognition that Indigenous people represent the most disadvantaged group in the community and that there is a critical need to address this.

- Building partnerships between government and Indigenous peoples recognising the vital role of Aboriginal and Torres Strait Islander community structures and institutions.

- Recognition of the need to coordinate the activities of the Commonwealth, State and Local government agencies through greater clarity of roles and responsibilities.

- The need for joint leadership in progressing the process of Reconciliation within the Western Australian community.

PRIORITY OUTCOMES

While recognising the need to develop appropriate community and regional plans which reflect the priorities expressed by local Aboriginal peoples and Torres Strait Islanders, the Western Australian Government and ATSIC agreed to ensure a priority focus on:

- Eliminating sub-standard living conditions in Indigenous communities.

- Reducing the over-representation of Indigenous peoples in the criminal justice system.

- Improving the social, emotional and cultural well being of Indigenous peoples with particular emphasis on reducing the occurrence and impact of family violence; decreasing suicide and suicidal behaviour among Aboriginal and Torres Strait Islander youth; and implementing the recommendations of the Bringing Them Home Report.

- Ensuring effective protection and management of Aboriginal and Torres Strait Islander heritage and cultures in a manner which respects Indigenous cultures.

- Implementing the recommendations of the Aboriginal Lands Trust Review.

- Increasing economic independence through targeted education, training, employment and enterprise development.

- Improving representation of Indigenous peoples on boards and committees that affect policy making and service delivery to Aboriginal peoples and Torres Strait Islanders.

- Building the capacity of Indigenous peoples to access appropriate services and improve the management and administration of their communities.

- The resolution of native title issues.

FRAMEWORK FOR COOPERATION

To ensure greater effectiveness in achieving outcomes, ATSIC and the Western Australian Government agree to a planning process which:

- Is consistent with the planning framework outlined in the *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal peoples and Torres Strait Islanders*;

- Acknowledges and recognises the requirement to develop plans and services which respond to the needs and outcomes as determined by people at the local level;

- Promotes clear and consistent application of policies, operations and funding at the local level;

- Complements current planning processes formalised in existing bi-lateral agreements negotiated between ATSIC and the Western Australian Government;

- Leads to the resolution of native title;

- Acknowledges the Indigenous Land Use Agreements (ILUA) provisions of the Native Title Act, 1993 and the mechanisms to implement Comprehensive Agreements to recognise and settle Native Title claims;

- Increases dialogue between ATSIC and the Western Australian Government; and

- Identifies benchmarks for addressing the priority outcomes.

The Premier acknowledged the leadership role the ATSIC Chairman and Board had taken in shaping and directing the national debate on Indigenous issues and in seeking to improve economic and social outcomes for Australia's Indigenous peoples.

The ATSIC Board in turn acknowledged the successful initiatives already being implemented in Western Australia and congratulated the Premier for achievements that are already contributing to the above outcomes.

Western Australia's Aboriginal Community Patrols and Wardens Scheme, which have received for successive years the Australian Heads of Governments' Australian Violence Prevention Awards, were recognised as examples of how the State is supporting communities in their effort to divert Aboriginal people from contact with the criminal justice system. The Board noted the significant reduction in the number of Aboriginal people taken into police custody in areas where Patrols and Wardens are being implemented.

The ATSIC Board commended the Premier for reforms in the delivery of essential services to improve environmental health conditions in Aboriginal communities. In particular, the innovative outsourcing of the ATSIC-funded Remote Area Essential Services Capital Works Program and the State funded Repair and Maintenance Program for essential water and power services to remote communities. These services, which are now mainly delivered through contract with Aboriginal companies, provide training and employment programs for Aboriginal people in areas where these opportunities would otherwise not exist. The ATSIC Board recognised the commitment of the State to progressively increase the number of communities under the State funded program from the original 48 to 72 communities in 2002.

Also commended was Western Australia's Aboriginal Community Strategic Investment Program, which is progressively providing remote Aboriginal communities with access to essential power and water, municipal, and administrative services of a standard comparable to that received by mainstream towns of similar size and remoteness. It was noted that this program works hand in hand with ATSIC's National Aboriginal Health Strategy which upgrades and provides new, sustainable infrastructure and priority housing. The coordinated effort of these joint initiatives, directed at improving environmental health in Indigenous communities, have led to better synergies and long-term cost efficiencies.

SPECIFIC INITIATIVES FOR JOINT ACTION

To improve outcomes in the priority areas, ATSIC and the Western Australian Government have agreed to undertake specific initiatives for joint action. Recognising the need for partnership with Aboriginal peoples and Torres Strait Islanders and the imperative for a multi-agency approach to achieving outcomes, these initiatives will be implemented through mutual agreement between relevant State, Commonwealth and Local Government agencies, Regional Councils and the ATSIC Commissioners in Western Australia.

Upgrading facilities and services in Town-based communities

The Government of Western Australia and ATSIC are committed to upgrading facilities in town-based communities. These communities are located in proximity to mainstream towns and are connected to power and/or water supplies operated by State utility authorities. The focus of this initiative is to improve facilities and services to the same level and range of services as those provided in adjoining towns with a long-term view of regularising services in these town-based communities. Towards this objective, the State Government has allocated an additional $2.8 M over the next three years. Similarly, ATSIC committed to identifying $2.8 M over three years under the National Aboriginal Health Strategy through which priority communities will be targeted consistent with the health impact assessments of town-based communities. ATSIC's commitment is in addition to the $5.6 M already allocated to improve housing and essential services infrastructure in two town-based communities.

Agreement for the Provision of Essential Services to Indigenous Communities in Western Australia

An agreement has been signed by the Western Australian Government, the Aboriginal and Torres Strait Islander Commission and the Government of the Commonwealth of Australia which defines the roles and responsibilities of the Commonwealth and State governments in achieving a more efficient and effective provision and maintenance of power, water and waste water infrastructure to discrete Indigenous communities in Western Australia.

Towards this agreement, ATSIC has committed annual funding of $8.7 M for capital infrastructure and $420,000 for repair and maintenance under the Remote Area Essential Services Program. ATSIC also committed $150,000 annually for the Essential Services Operators Program and a one off $ 650,000 funding for power station automation.

As part of the agreement, the Western Australian Government reaffirmed its responsibility to provide mainstream and Indigenous specific programs and services which are responsive to and appropriate to the needs of Indigenous people and acknowledged its obligation to extend the current level of service to Indigenous communities in Western Australia. In particular, it has committed $9.55 M in 2000/01 and $12.05 M in 2001/02 for the provision of essential services to Indigenous communities.

Managing the impact of increasing fuel prices on the delivery of power supply to large remote Indigenous communities

ATSIC and the Government of Western Australia acknowledged and committed to jointly address the potential adverse impact of rising fuel prices on the delivery of power supply to remote Indigenous communities. It was recognised that remote communities will not be able to sustain power supply to the end of the year if fuel prices remain at high levels. This could result in serious environmental health risks as sewerage pumps reliant on power stop to operate, and threaten food supplies and critical medical requirements. It was also recognised that the absence of power in communities will increase pressure on the capacity of town facilities as people move away from these communities.

The Premier of Western Australia affirmed the commitment of the State Government to ensure that the health and well being of Indigenous people living in remote communities will not be put at risk because of high fuel prices.

Supporting families particularly in reducing the incidence and impact of family violence and youth suicide

Recognising the need for more effective and immediate action to address family violence and youth suicide in Aboriginal communities, the Western Australian Government and ATSIC will jointly allocate a total of $500,000 additional funding to promote strategies to support local communities in developing their own responses. This joint effort strengthens current action in WA to reduce the incidence and impact of family violence in Aboriginal communities and suicide and suicidal behaviour among Aboriginal youth.

In support of existing State funded family support programs, ATSIC has committed ongoing annual funding of $850,000 for the continued operation of three Family Violence Prevention Units in Kalgoorlie, Geraldton and Fitzroy Crossing (subject to budget appropriation remaining at existing levels). ATSIC will also continue to support the integrated Family Violence Advocacy Centre established in Kalgoorlie, subject to continued funding under the *Partnerships Against Domestic Violence* program.

REVIEWING PROGRESS

Recognising that the achievement of outcomes is a long-term process, the Government of Western Australia and ATSIC agreed to establish mechanisms which will enable assessment of the extent to which the agreed priority outcomes and objectives of specific initiatives are being achieved. Specifically:

- Indicators for each of the priority outcomes will be identified.

- Data on these indicators will be collected annually and a report, jointly prepared by the ATSIC State Policy Centre and the Aboriginal Affairs Department of Western Australia, will be submitted to the Western Australian Cabinet and the ATSIC Board.

- The report will include recommendations on areas needing greater joint effort and strategies for action.

DURATION OF THE AGREEMENT

This memorandum will operate unless otherwise agreed between the parties in writing until September 2002.

RICHARD COURT
Premier
Government of Western
Australia

DR KIM HAMES
Minister for Aboriginal
Affairs
Government of Western
Australia

GEOFF CLARK
Chairman
Aboriginal and Torres Strait
Islander Commission

Commonwealth, State and Territory Bilateral Agreements on Indigenous Housing

Background

The National Indigenous Housing Strategy was endorsed by the Commonwealth, represented by the ATSIC Board and the then Minister for Housing and Regional Development, in July 1994 (the responsibility for housing is now with the Minister for Family and Community Services). The Strategy provided a framework for the negotiations of Bilateral Housing Agreements between the Commonwealth and State and Territory governments. The purpose of these agreements is to maximise program efficiency and effectiveness through the coordination of the Commonwealth's two Indigenous specific housing programs, the Community Housing and Infrastructure Program (CHIP) and the Aboriginal Rental Housing Program (ARHP) component of the Commonwealth State Housing Agreement.

The key principles of Bilateral Housing Agreements are:

- the pooling of funds and the delivery of CHIP and ARHP as one program;
- the establishment of an Indigenous Housing Authority (IHA) in each State and Territory to provide for greater Indigenous decision making and community involvement in the delivery of housing programs;
- equal ATSIC elected arm and State/Territory membership on each IHA, with preferably all members Aboriginal or Torres Strait Islander people.

The role of ATSIC Regional Councils is explicitly recognised in planning processes and in monitoring of outcomes.

Progress

At this stage there are four Bilateral Housing Agreements in place:

- Northern Territory in June 1995;
- Western Australia in December 1997;
- New South Wales in June 1998; and
- South Australia in February 1999.

Negotiations are still taking place with the remaining States and Territory.

The lack of a decision about future administrative arrangements for Indigenous housing has hampered negotiations on Housing Bilaterals in the three remaining States and planning of future directions in CHIP or to pursue policy discussions on Indigenous housing issues more generally.

An update on the progress with bilateral agreements in each State is set out below:

Northern Territory
A Bilateral Housing Agreement between the Commonwealth, (ATSIC and the Former Department of Social Security) and the Northern Territory Government for housing

funds to be pooled under the control of the Indigenous Housing Authority of the Northern Territory was signed in June 1995. A review was carried out in 1998/99 and the recommendations from the review are being progressively implemented.

Western Australia
An agreement for the Provision of Housing and Related Infrastructure for Aboriginal and Torres Strait Islander People in Western Australia, for a period of three years, was signed by the Minister for Social Security, the ATSIC Chairman and the WA Minister for Housing in December 1997. Terms of Reference for a review have now been agreed and tenders closed on 7 July 2000.

New South Wales
An Agreement on the Provision and Management of Housing and Housing Related Infrastructure for Aboriginal People and Torres Strait Islanders in New South Wales for the period 1 July 1998 to 30 June 2001 was signed by the Minister for Social Security, the ATSIC Chairman and the NSW Minister for Housing and for Urban Affairs and Planning in late 1998. A mid term review is about to commence.

South Australia
A Bilateral Agreement between the Commonwealth (ATSIC and DFaCS) and the South Australia Government regarding Aboriginal and Torres Strait Islander Housing for a term of three years was signed by the ATSIC Chairman and the South Australian Minister responsible for Aboriginal housing on 23 February 1999. The Minister for Family and Community Services signed the agreement in March 1999.

Negotiations on Bilateral Housing Agreements are continuing in Victoria, Tasmania and Queensland with some progress, albeit slow.

Environmental Health

Background

Following the transfer of responsibility for primary health care programs from ATSIC to the Department of Health and Aged Care (H&AC) from1 July 1995, ATSIC still retained a major funding responsibility for Indigenous environmental health through its housing and infrastructure programs. Funding for ATSIC's NAHS program is made available to target environmental health through provision of essential housing and related infrastructure services.

A national Environmental Health (enHealth) Council was established in November 1999 to provide national leadership on environmental health issues and implement a national Environmental Health Strategy. The Council comprises representatives from the Commonwealth, State and Territory Governments, the Australian Institute of Environmental Health, the environment protection, public health and community sectors. ATSIC is represented on the Council.

The enHealth Council also established a National Indigenous Environmental Health Forum composed of Indigenous environmental health workers from around Australia and this forum is a reference group to the Council on matters concerning Indigenous environmental health. The establishment of the enHealth Council and the Indigenous Reference Forum is seen as a very positive development, which ATSIC fully supports.

The enHealth Council has launched its National Environmental Health Strategy and Implementation Plan. The Plan, which ATSIC substantially contributed to, has recognised Indigenous Environmental Health as a key priority and has identified a number of actions to be taken to improve the health status of Indigenous communities.

ATSIC is actively involved in a wide range of Environmental Health activities including:
- Through its NAHS program, which AACAP is a part of, ATSIC targets environmental health infrastructure.
- Participation in Environmental Health forums at State and Regional level.
- Funding of support projects such as the development of a Bachelor of Environmental Health (Indigenous Health) course at the University of Western Sydney and research into Waste Water Systems and Water provision generally.
- Participation in specific enHealth Council projects including mapping of the responsibilities for Indigenous Environmental Health and the application of standards for Indigenous Environmental Health.
- Funding of Environmental Health Surveys such as the 1997 WA Environmental Health survey and the 1999 Community Housing and Infrastructure Survey.
- Revising the National Aboriginal and Torres Strait Islander Health Strategy.
- A Fixing Houses for Better Health Project which is targeting 1000 houses in remote communities, with an assess and fix methodology.

- The funding of environmental health workers in many communities through its CHIP and CDEP programs.

The success of both primary health care programs and ATSIC's infrastructure programs requires a high degree of coordination between agencies.

Within the Commonwealth Department of Health and Aged Care, ATSIC is required to communicate not only with the Office for Aboriginal and Torres Strait Islander Health, but also with other areas of that Department responsible for mainstream environmental health issues.

Issues

ATSIC has developed effective consultative arrangements with State Government agencies and other stakeholders in relation to its housing and infrastructure programs, and this work is continuing.

ATSIC has been working with H&AC to ensure that Indigenous Environmental Health remains a strong focus of the revised National Aboriginal and Torres Strait Islander Health Strategy.

The Commission's immediate objectives in environmental health are:

♦ To maintain and improve the effectiveness of ATSIC's Community Housing and Infrastructure Program which specifically targets Environmental Health through its Municipal Services and National Aboriginal Health Strategy components.

♦ To ensure that Health agencies continue to recognise that improved health outcomes for Indigenous people cannot be achieved without improvements in housing and infrastructure.

♦ To ensure that this recognition is appropriately incorporated in the revised National Aboriginal and Torres Strait Islander Health Strategy.

♦ To ensure that ATSIC fully participates in the enHealth Council and assists in progressing strategies to improve Indigenous health.

♦ To improve lines of communication on Environmental Health issues, both within the Commission and with the Department of Health and Aged Care.

♦ To address the recommendations on housing, and other environmental health issues, contained in the House of Representatives' Report into Indigenous health, *Health is Life.*

ATSIC/Army Community Assistance Program (AACAP)

Background

AACAP was initiated in late 1996 with an initial budget of $10m as a cooperative arrangement between the Army, Health and ATSIC to work towards alleviating the poor primary health of Indigenous Australians. Particular attention was given to the construction and up-grade of water supplies, reticulation systems, waste water management & sewerage systems, housing, power generation, transport infrastructure and health clinics. A significant additional component of AACAP is the training of local people in basic engineering, maintenance and repair skills as well as health education by Army medical teams. It also provides an opportunity for soldiers to experience and value Indigenous societies and cultures, demonstrating reconciliation in action.

The initial AACAP pilot projects, totalling some $11.6 million, have now been completed and independently evaluated by Woods Bagot, engineering and defence consultants. This report confirmed the success of the first round of AACAP.

The budget was extended in 1999 by a further $40m over the 1999-2000 to 2002-03 financial years, with $20m being provided by Health and Aged Care and $20m by ATSIC.

All projects and funding are managed through ATSIC, using outsourced Program Management arrangements.

The work done by the Army has had a significant impact on the environmental health conditions for all the communities involved. The improvements to the roads, airstrips and houses will have a direct impact on health in these remote communities. Training has also been a valuable component of this program, with community members gaining skills in housing and infrastructure construction and maintenance.

Recent external developments – particularly the commitment to East Timor and Olympic security – have placed severe stains on Army resources. It has been difficult to obtain the same level of commitment to AACAP from Army for the delivery of the next round of projects.

Due to the uncertainty of Army capacity, only two projects have been selected for 2000 – construction of roads, drainage and houses and renovations at Milikapiti and construction of a water tower, roads and a sewage system at Wurankuwu on the Tiwi Islands. Total funding for these two projects amount to $5.038 million. Works commenced in June 2000.

The Minister for Defence on 1 March 2000 reaffirmed the Army's in principle commitment to AACAP but noted that, even with the increased use of contractors, it is unlikely that $40m can be expended within the four-year period. The Army has now confirmed that even with increased commitment from late 2001 onwards, and a

greater use of private contractors working with Army personnel it will take about six years to meet the required expenditure levels.

Policy direction for AACAP has largely been set by a Steering Committee on which an ATSIC Commissioner, ATSIC, the Army, the Department of Health and Aged Care, and the Department of the Prime Minister and Cabinet are represented.

Issues

AACAP, and specifically the expenditure of $40 million over the four year period to 2002-03, was both an explicit election undertaking as well as a Budget commitment. Health and Aged Care received new Policy funds of $20M to meet this election commitment over the period 1999-2000 to 2002-03. The Prime Minister wrote to Minister Herron on 31 July 2000 agreeing to an extension of the funding period from four to six years.

A revised MOU between the Army, Health and ATSIC sets the strategic direction, working arrangements and funding process for the continuation of AACAP, acknowledges the role of each agency and sets out the broad terms under which AACAP will be administered. The signing of this agreement has been delayed pending the Prime Minister's approval for the timeline extension. It is anticipated that it will be endorsed at the next Steering Committee meeting scheduled for 8 August in preparation for signing by the three parties to the agreement.

Communities Assisted

Work in the seven pilot communities has been completed:-.
Bulla
This community had 9 houses constructed with Army assistance and another built by the community. Batchelor College carried out training for the construction of the 10th house. A major up-grade to the sewerage system was also undertaken. Training was also provided on housing maintenance and repairs.

Marthakal Outstations
Work carried out on this community include ten houses with outdoor kitchens and ablution and sanitation facilities. Also work on water supply is nearing completion, with the expected completion date being September 1999. Other services provided to this community include eye health screening, skin infections program, men's health survey, dental health screenings and a dog health treatment program.

Milyakburra
Work carried out at this community was the installation of a sewerage system, including primary and secondary treatment ponds. Other minor works were carried out on access roads, the rubbish tip and the barge-landing site.

Oak Valley
Oak Valley had 3 community houses and 1 nursing home constructed. Works also included up-grades to the water & power supplies, up-grade to the airstrip and

community road network and rubbish tip. Other services include medical & dental treatment, dog vaccinations and sterilisations.

Docker River

This community had a major up-grade of the sewerage system. Other services provided include dental assessments, TB screening, training in veterinarian procedures and truck driving instructions.

Jumbun

Works at Jumbun include renovations to existing houses, major works to the sewerage system and water supply up-grade and repairs to eight septic systems. Other services provided include training in pre-vocational construction for 10 community members.

Oombulgurri

The Army conducted some flood relief works in Oombulgurri in early 1997.

Health Memorandum of Understanding and Framework Agreements

The MOU required the negotiation of Framework Agreements for expanding cooperation with each of the state and territory governments. These were all signed between 1996 and 1998 and all agreements expired on 30 June 2000 (except the Torres Strait that was signed in February 1999 so is not included in renegotiations).

Details on the completion of Framework Agreements in each of the States and Territories is as follows:

- Queensland – signed by the Hon Mike Horn MP in July 1996
- South Australia – signed by the Hon Michael Armitage MP on 12 July 1996
- New South Wales – signed by the Hon Dr Andrew Refshauge MP on 8 August 1996
- Australian Capital Territory – signed by Mrs Kate Carnell MLA on 19 August 1996
- Victoria – signed by the Hon R I Knowles MP in October 1996
- Western Australia – signed by the Hon A K R Prince MP in October 1996
- Northern Territory – signed by Mr Denis Burke MLA on 30 January 1998
- Tasmania – signed by the Hon Peter McKay MP on 30 January 1998.

The key commitments made by the Framework Agreement partners were to:

- An increased level of resources allocated to reflect the level of need;
- Joint planning;
- Access to both mainstream and Aboriginal and Torres Strait Islander specific health and health related services which reflect their higher level of need; and
- Improved data collection and evaluation.

Although their effectiveness varies between States and Territories, each of the Framework Agreements recognises a role in the decision-making process for both ATSIC and the state or territory affiliate of the National Aboriginal Community Controlled Health Organisation (NACCHO). The latest report on progress under the Framework Agreements was made to the August 1999 Australian Health Ministers' Conference where the ministers *agreed in principle… to extend the framework agreements at the completion of the current three year term for a further period with the details of the new arrangements to be worked out and ratified.*

These found that although some recommendations of the Framework Agreements remain outstanding, some states (such as NSW) actively require states and regional health providers, such as Area Health Authorities, to ensure input from the Indigenous community and open and accessible health facilities for Aboriginal and Torres Strait Islander people. But in other jurisdictions, the formal signed Framework Agreement has resulted in little change or accountability in the way States provide health services to Indigenous people.

Recent ANAO audits of OATSIH and ATSIC's NAHS Program raised a number of issues for each agency, primary in relation to the need for improved inter-agency coordination. NACCHO states that

> *A major impediment to reform in Aboriginal health has been a lack of coordination*
> *between Federal and State Governments, with consequent `buck-passing' and difficulties in the relationship between Governments and Aboriginal organisations. The Framework Agreements…attempt to address these issues.*

Active renegotiation should take into account the new draft of the *National Aboriginal Health Strategy,* the findings of *Health is Life,* the Parliamentary Inquiry into Indigenous Health and regional plans.

In a recent meeting at between the Board of Commissioner of ATSIC and NACCHO, the issue of expanding the scope of the Memorandum of Understanding to give some formal recognition of NACCHO was raised. The role of NACCHO, as the peak body for Aboriginal community-controlled medical services and a national voice for Indigenous health professionals complements, rather than duplicates ATSIC's role. ATSIC will give further consideration to this issue as consultations on the renegotiation proceed.

The renegotiation of State and Territory Framework Agreements is not to be delayed until the revised MOU has been finalised. These negotiations are continuing, with different levels of intensity, in each of the States and Territories and have reached the stage of final drafts in some jurisdictions.

Partnerships with Local Government

Municipal services to Aboriginal peoples and Torres Strait Islanders are the direct responsibility of State and Territory Local Governments.

Historically, the poor relationships between Aboriginal peoples and Torres Strait Islanders and Local Governments have been related to the fact that Local Governments in the past were directly responsible to ratepayers, with little responsibility to provide services to non-ratepayers. Another contributing factor to Indigenous communities local isolation, particularly in rural communities, has been prejudice associated with class and race.

In general, the past twenty years has seen the role of local government change from the provision of physical services and infrastructure for ratepayers to providing a broader range of services and functions of governance to the whole community within the jurisdictional boundary. In some States, such as New South Wales, this has been acknowledged in revisions to the relevant local government Acts. This has also increased focus on the representative nature of councils. A specific example is the creation of Ngaanyatjarraku Shire from Wiluna Shire in Western Australia. Accompanying this change has been an increase in Aboriginal land ownership, including land which is rateable, and an expansion of programs at the Commonwealth, State and local level. However, it is inappropriate to discuss local government service delivery at the national level as though there were one system of Local Government, as there are significant differences in the scope of the State and Territory legislative requirements.

Table 2 - Summary of State-by-State Indigenous Local Government Situations

New South Wales	There are no Aboriginal communities that are incorporated separately as Local Governments.
Victoria	There are no Aboriginal communities that are incorporated separately as Local Governments.
Queensland	There are 32 Aboriginal and Torres Strait Islander local government bodies under Deed of Grant In Trust (DOGIT) legislation and, in addition, Aurukun and Mornington Island are incorporated Local Governments.
Western Australia	Ngaanyatjarraku Shire can be considered as a local government incorporated community. Currently the Western Australian Government is looking to set up similar Aboriginal-controlled Local Governments in the Derby-West Kimberley area.
South Australia	Whilst there are no incorporated Aboriginal Local Governments, there are five communities which have local authority status and are in receipt of Grants Commission funding.
Tasmania	There are no independent Aboriginal community councils or communities.
Northern Territory	There are 61 incorporated Aboriginal communities and seven municipal councils that contain a majority of non-Aboriginal people.

In western New South Wales and northern South Australia significant areas of land fall outside incorporated local government areas, while in the Northern Territory, only

small areas of land around settlements and municipalities are incorporated leaving the vast proportion of the Northern Territory unincorporated. The question of incorporated lands is particularly relevant in terms of the revenue raising capacity of councils that rely, for over forty percent of their revenue, on land based rates and taxes (Australian Urban and Regional Development Review, 1994:3).

Although there has been a reduction in the number of non-Aboriginal councils, there has been an increase in the number of Aboriginal communities that are either incorporated as Local Governments or have local authority status. The number of these councils constitutes a little over ten percent of the current number of councils in Australia.

Responses to these changes varied. Inherent in the Commonwealth's involvement in Indigenous affairs and local government is an interest in how local government discharges its responsibilities towards the Indigenous people in its area. In the assessment of the Industry Commission, local government's performance is important in terms of the human and economic services it provides to meet community needs. (Further information is available in the Industry Commission Research Report Performance Measures for Councils, Improving Local Government Performance Indicators, October 1997). Furthermore, the 1997-98 Report on the Operation of the *Local Government (Financial Assistance) Act* provided details of the involvement of state local government associations, individual Councils and Commonwealth and State agencies in responding to changes.

The federally subsidised Aboriginal policy officer positions within the Australian Local Government Association and some of the States and the Northern Territory Local Government Associations in the mid to late 1990s further enhanced resources for the Associations to support Local Governments in improving relationships between Councils and Aboriginal and Torres Strait Islander communities. In addition, some Councils appointed their own policy officers. Yet others have established Aboriginal and Torres Strait Islander advisory mechanisms.

The 1997-1998 Report on the Operation of *Local Government (Financial Assistance) Act 1995* concluded, following an evaluation of the APO positions:

- APOs have been found to play an important role in advancing Indigenous issues in local government and have made significant inroads into improving relationships, education, employment and service delivery to Indigenous peoples. They have instituted cross-cultural awareness training programs and many of the councils that have provided this training to employees have noticed a marked improvement in relationships between council employees and Indigenous peoples.

- The APOs work with local councils on a wide range of activities to improve service delivery to Aboriginal and Torres Strait Islander groups.

Unfortunately with the cessation of the National Office of Local Government's Local Government Development Program funding to Associations, all the APO dedicated positions were defunded.

However in February 2000 *Local Government of Australia Reaffirmed its Commitment to Maintaining a Culturally Diverse, Tolerant and Open Society, United by an Overriding Commitment to Our Nation, and its Democratic Institutions and Values* (Attachment A). This is an historic achievement within the Local Government sphere that ATSIC welcomes. We have agreed to work with the Australian Local Government Association (ALGA) during the coming months to negotiate a memorandum of understanding which we hope will purse practical application of this level of commitment.

Service provision

The density of Indigenous populations has a direct effect on for the provision of services to communities and issues concerning governance and representation. LGAs with the highest density of Indigenous populations tend to be located in rural agricultural and rural remote areas. While the number of Aboriginal and Torres Strait Islander elected members in Local Governments within encapsulated Indigenous communities has increased in recent years there are still few, if any, Indigenous councillors in many mainstream LGAs located in areas where there is a significant Indigenous population. Across both Victoria and South Australia there has never been more than two (2) Aboriginal local government councillors at any one time. Tasmania has never had more than three (3) Indigenous councillors.

ATSIC makes a significant contribution in providing local government services to Indigenous communities across Australia. The total ATSIC contribution to these services was in excess of $354 million in the 1996/97 year. This includes the provision of basic municipal services, which the ATSIC Charter states should only be considered supplementary to other sources of funding and the expanded range of services that local Governments across Australia perform, such as youth and community services.

The extent to which ATSIC, through National Projects, as well as Regional Council Expenditure, contributes to local government services can be seen below in Table 1. It should be noted that this funding is not applied to all local government areas.

Table 1 - Comparison of average total per capita spending by local government Councils with the additional Indigenous per capita subsidisation of local government services by ATSIC

	Average total per capita council expenditure	Additional per Indigenous capita ATSIC funding for Indigenous Services
New South Wales	$790.70	$740.01
Queensland	$1,287.00	$1,114.46
South Australia	$792.00	$1210.00
Tasmania	$844.01	$279.07
Victoria	$551.82	$309.35
Western Australia	$745.87	$1,721.00

For the past five (5) years ATSIC has provided substantial funding to the Australian Local Government Association for its National Aboriginal Policy Officer and

Indigenous specific projects. A report commissioned in 1999[xxii] highlighted the achievements of the National Policy Officer position in enhancing awareness of Indigenous perspectives in the local government arena. Achievements include Indigenous policy development and awareness raising, native title and agreement making handbooks for local government, on-line internet information, and general promotion of Aboriginal and Torres Strait Islander involvement at all levels. There is a general consensus that significant flow on results have been achieved and ATSIC is continuing to 50 percent fund the national policy position. There are indicators of considerable change in attitude within a significant part of the local government sector towards the position of its Indigenous constituents and the delivery of services to them. However there is still a long way to go when it is considered that local government has not funded one dedicated Indigenous position at the national, state or territory level of local government.

Recommendation:

The Australian Local Government Association, State, Territory and local councils with Indigenous populations in excess of 200 should all self-fund an Aboriginal and Torres Strait Islander liaison/policy position.

Commonwealth and State Policy Implications

The demographic patterns of Aboriginal and Torres Strait Islander populations, the location, size and capacity of the local government area, the physical proximity of State and Commonwealth agencies, and the economic capacity of the local government area are all critical factors in planning the level of services Aboriginal peoples and Torres Strait Islanders access from Local Governments.

However, the capacity to establish intergovernmental coordination arrangements at the local level will be more difficult in situations where the local government area is located at some distance from ATSIC or State Government agency regional offices. In situations where State Government agencies do not maintain regional arrangements, the likelihood of establishing coordinated intergovernmental relationships is low.

Service Delivery

There is no objective measure of the existing deficit in national service delivery. It can be argued that the combination of Commonwealth financial assistance grants (FAGs) money and ATSIC programs are clearly meant to address this deficit without a clear measure of either the amount needed to meet the backlog or a clear measure of the impact that these monies are having on the underlying deficiencies in service delivery. Moreover, the money required to attend to a specific issue is not necessarily consistent between communities, particularly in relation to social and cultural infrastructure.

State and Northern Territory data sources are currently inadequate in terms of specifying the level of demand for local government service delivery for Aboriginal peoples and Torres Strait Islanders and communities. In order to improve the data a greater level of coordination between government agencies is necessary.

ATSIC provides a higher per capita allocation for local government service delivery than either the amount allocated under the State Local Government Grants Commissions or by local councils. This supports the claim that ATSIC is now a primary financier of local government service delivery rather than a supplementary source of funding. On average, ATSIC Regional Councils contribute up to half again as do local government councils. This is deceptive as the number of Regional Council programs is unevenly distributed over the local government areas within a Regional Council's borders and, as a consequence, some local government areas receive further substantial subsidisation from ATSIC.

Table 3 details per capita spending by local government councils, the amount that ATSIC Regional Councils are providing in relation to per capita Aboriginal and Torres Strait Islander funding, and an indicator of how the ATSIC contribution would impact per capita on the total population if the funds needed to be found by local government councils.

Table 3 - Subsidisation of Local Government Services[xxiii]

	Average total per capita council expenditure	Additional Indigenous per capita ATSIC funding for Indigenous Services	Average total per capita contribution necessary to meet the ATSIC contribution
New South Wales	$790.70	$740.01	$19.86
Queensland	$1,287.00	$1,114.46	$35.36
South Australia	$792.00	$1210.00	$10.28
Tasmania	$844.01	$279.07	$8.36
Victoria	$551.82	$309.35	$1.53
Western Australia	$745.87	$1,721.00	$110.33

As can be seen, the additional contribution that ATSIC makes per capita to the Indigenous population, on average, adds an additional 25-250% in funding resources. Conversely, the individual funding burden, per capita total, would range between $1.55 and $760.33 – the difference being between States with a high proportion of remotely located Aboriginal peoples and Torres Strait Islanders, and those which have a predominantly urbanised population.

Recommendations

When considering how to more effectively meet the needs of Aboriginal peoples and Torres Strait Islanders, consideration of the various levels of government suggests the following recommendations:

At the National level:

- An agreed comprehensive data collection set, by the Local Government Ministers Conference, to assist all levels of government in identifying need
- Program development activity, through the National Office of Local Government, which links national policies with local government. Such involvement would

acknowledge a dual Commonwealth responsibility towards Indigenous people and encourage the local government sector to adopt best practice associated in particular with service delivery. The mechanism already exists within the framework of the *Local Government Financial Assistance Act* for an annual report to parliament on local government performance in delivering services to Aboriginal and Torres Strait Islander communities.

At the State and Territory level:

- Creation of interdepartmental Aboriginal and Torres Strait Islander reference groups and protocols for the exchange of information and coordination of planning and service delivery.
- Development of accountability requirements in respective Local Government Acts

Local Liaison and Support

Local councils provide many of the services and programs that most immediately affect the living conditions and community-level support. While there has been effective policy liaison in recent years with the Australian Local Government Association (ALGA), and awareness of Indigenous interests within the ALGA membership has improved in coverage and quality, the practical demonstration of this change has not flowed to member councils, shires and cities.

The past neglect of the many urban fringe communities and the need for support is self-evident. But even those Indigenous people who have taken the steps towards home ownership and family formation in suburban life often experience severe isolation, fear of racism and discrimination, and the constraint of low income when it comes to contact with other locally available support services.

At the local government level we need:

- Employment of an Aboriginal and Torres Strait Islander liaison officer at every Council or region of Councils
- Development of a whole-of-community approach
- Cultural training for all staff
- Use of community forum arrangements and strategic planning initiatives including the relevant ATSIC regional councils
- Investigation of alternative mechanisms for Local Council incorporation of large Indigenous populations

LOCAL GOVERNMENT OF AUSTRALIA REAFFIRMS ITS COMMITMENT TO MAINTAINING A CULTURALLY DIVERSE, TOLERANT AND OPEN SOCIETY, UNITED BY AN OVERRIDING COMMITMENT TO OUR NATION, AND ITS DEMOCRATIC INSTITUTIONS AND VALUES

Local government acknowledges and recognises:
- Aboriginal and Torres Strait Islander peoples as the first peoples of Australia.
- the loss and grief held by Aboriginal peoples and Torres Strait Islanders caused by alienation from traditional lands, loss of lives and freedom, and the forced removal of children.
- the customs and traditions of Indigenous Australians and their spiritual relationship with the land.
- the right of Indigenous Australians to live according to their own beliefs, values and customs, and the vital importance of Aboriginal and Torres Strait Islander people's contribution to strengthening and enriching the heritage of all Australians.
- the need for a partnership approach with Aboriginal and Torres Strait Islander peoples as part of addressing the needs of whole communities throughout Australia.

Local government supports:
- the vision as expressed by the Council for Aboriginal Reconciliation of a "united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for us all".
- Indigenous and non-indigenous Australians working together for a national agreement or other instrument of reconciliation.
- the need to improve non-indigenous understanding of Aboriginal and Torres Strait Islander issues and find new ways to work together in partnership to ensure the principles of equity and access for all members of the Indigenous community to culturally appropriate services and programs.

Local government commits to:
- developing and promoting, as appropriate, Indigenous involvement in events and celebrations of significance which respect the dignity and protocols of the local Indigenous community.
- taking effective action on issues of social and economic concern as identified in the *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal and Torres Strait Islander* where they lie within the sphere of interest and responsibility of local government.
- participating in education processes which enhance the increased acknowledge, understanding and appreciation of Aboriginal and Torres Strait Islander culture and heritage and the needs of Indigenous communities.
- developing strategies that improve the level of participation of Aboriginal and Torres Strait Islander people in local government at all levels.

Adopted by the Australian Local Government Association Executive Members on 24 February 2000

ATSIC PROGRAMS AND SERVICES

Community Development Employment Project (CDEP)

Legal and Preventative Services
(including Family Violence Prevention)

Native Title and Land Rights

Languages

Link-up

Broadcasting

Sport and Recreation

Arts and Culture

Community Development Employment Projects (CDEP)

Objective

To provide work for unemployed Aboriginal and Torres Strait Islander persons in community managed activities which assist the individual in acquiring skills which benefit the community, develop business enterprises and/or lead to unsubsidised employment.

CDEP aims to:

- reduce Aboriginal and Torres Strait Islander dependence on social welfare benefits;
- improve elements of Indigenous social, cultural or economic life to enhance self management by Aboriginal and Torres Strait Islander communities;
- raise the participation rate of Aboriginal and Torres Strait Islanders in the labour market to a level closer to that of the wider Australian community;
- increase the numbers of Aboriginal peoples and Torres Strait Islanders involved in economic activity;
- support Aboriginal and Torres Strait Islander communities to create and maintain a sustainable economic, cultural and social base for communities and organisations;
- facilitate Aboriginal and Torres Strait Islander participation in community management, administration and decision making; and
- develop skills in management, supervision and specific job-related areas, especially those that enhance CDEP participants' opportunities to develop viable commercial enterprises or to gain unsubsidised employment in the local labour market.

The CDEP scheme also encourages cultural maintenance as cultural activities are legitimate CDEP work activities. Objectives also include:

- Satisfying mutual obligation
- Empowering participants to become active contributors to their communities through skills development
- Community capacity building – skilling participants to undertake repair and maintenance work and deliver services, including municipal services, developing sport and recreation programs and women's initiatives
- Raising self esteem by empowering people to work and contribute to their community
- Increasing income levels through business creation and undertaking work contracts
- Enhancing social cohesion through activities like night patrols, meals on wheels for the elderly and infirm, addressing substance abuse etc
- Maintaining and teaching culture

Description

The CDEP scheme is a community-based employment and community development initiative involving 262 Indigenous community organisations and 30,749 participants (excluding the TSRA) at 30 June 2000. The scheme commenced in 1977, the original

objective being to assist in the development of communities through work programs and thus have them achieve a greater economic, social and cultural strength.

Since the scheme's commencement CDEP participants have voluntarily forgone their rights to income support benefits or training allowances and in return are paid wages by CDEP Organisations to undertake work and/or training to develop their community and enhance employment skills and opportunities.

The CDEP scheme is now the most extensive program in the Aboriginal and Torres Strait Islander portfolio and, in monetary terms, is ATSIC's largest program, with expenditure of $427 million. It is important to note, however, that 63 per cent of the CDEP scheme's funds ($269 million) are an offset against participants' unemployment benefits. The real cost to Government is therefore limited to $158 million.

Participation in the CDEP scheme is voluntary, by both the community and the participants, and is administered by a variety of Aboriginal and Torres Strait Islander organisations including community councils and corporations. Communities decide on their own work projects that might include housing and community maintenance, artefact production, horticultural enterprises or other business undertakings and cultural activities. Income-generating activities, and the contracting of CDEP labour and expertise to outside projects, are increasingly being pursued by CDEP Organisations, though the scheme's community development, community cohesion and cultural maintenance objectives remain extremely important.

Since CDEP's establishment the scheme has undergone many developmental changes in respect to its objectives, strategies and administration. These changes have occurred in response to a high level of audit and review, particularly from the Australian National Audit Office, or have reflected the aspirations of CDEP organisations themselves. The last major independent examination of CDEP was the *Independent Review of ATSIC's CDEP Scheme* conducted by Mr Ian Spicer in 1997. The Spicer Review emphasised the scheme's scope and socio-cultural significance, but recognised also that CDEP provides mostly low-paid and part-time work. Spicer recommended reforms to maximise the commercial potential of CDEP and provide participants with 'a conduit to other employment options'.

The CDEP and Employment Policy Branch is responsible for the national administration of the scheme in liaison with ATSIC's State and Regional Offices. The scheme is conducted in accordance with the principles outlined in ATSIC's Corporate Plan, with particular regard to the following:

> *The most effective and long lasting outcomes are achieved when Indigenous peoples are integrally involved in all aspects of the delivery of services to their community. This includes consultation, negotiation, decision-making, service-delivery, and evaluation.*

Consistent with the above principle Regional Councils are the focus for decision making including the management of participant numbers and the allocation of Oncost funding.

Indigenous community organisations are contracted by Regional Councils to deliver the scheme to communities and individuals.

Strategies

The Aboriginal and Torres Strait Islander Commission is the funding body for the CDEP scheme. ATSIC does not run these projects, they are managed by individual Aboriginal and Torres Strait Islander incorporated organisations.

ATSIC's main roles are:

- providing grants under s.14 of the ATSIC Act to Aboriginal and Torres Strait Islander community organisations for wages and oncosts, to enable them to undertake work projects selected by community groups;
- assisting CDEP communities to develop work plans consistent with their community goals and objectives;
- encouraging the participation of women and youth;
- formulating policies and guidelines for the program;
- promoting better understanding of CDEP policies and procedures through field visits, formal and informal training and written information; and
- developing and providing automated management systems.

Demographics

96% of CDEPs are located in Regional Australia (ie. outside of metropolitan areas) – only 4% are in metropolitan areas.

65% of are located in Remote Australia where:

- Labour market opportunities are extremely limited
- Job Network coverage is limited
- Centrelink offices are vast distances away
- Access to training providers and facilities is problematic

State	No. of Participants	No. of CDEPs
New South Wales	4901	52
Victoria	736	10
Tasmania	88	1
South Australia	2,339	34
Western Australia	8872	71
Northern Territory	7,310	60
Queensland	6,503	34
Queensland –Torres Strait Regional Authority (TSRA)	1778	17
TOTAL	**32,527**	**279**
ATSIC	30749	262
TSRA	1778	17

(as at 30 June 2000)

Gender of CDEP participants	
Total Male Participants (59.5%)	**19,354**
Total Female Participants (40.5%)	**13,173**
Total	**32,527**

Age Groups of CDEP participants	Total
15-17	2,024
18-25	9,596
26+	20,907
Total	**32,527**

Conditions of CDEP participation

- Participants must otherwise be eligible for income support payments – eligibility certified by Centrelink prior to commencement
- Voluntary participation
- Generally 15 hours per week work (in compliance with awards and other statutory provisions) – some opportunity to work extra hours and earn extra income where businesses have been created or work contracts negotiated
- Obligation placed on organisations to provide participants with the opportunity to work to earn CDEP Wage

Funding – 2000/2001

CDEP Wages $194.58 per week (Remote)
                       $175.24 per week (Non-remote)

CDEP Oncost Funding - $3075 (Remote)
                       $2850 (Non-remote)

CDEP in Urban Areas

Whilst CDEP began in remote areas, in 1985, it was expanded to include Aboriginal and Torres Strait Islanders living in urban and rural areas. Since 1987 there has been considerable growth in urban CDEPs. The program has proved to be successful in addressing the needs of Indigenous people living in urban situations. Many urban CDEPs have developed enterprises, which now provide employment opportunities to participants.

The ATSIC Office of Evaluation and Audit undertook an evaluation of urban CDEPs in 1996. The final report, released in September 1997, reported, that participants have derived considerable employment, income, training and social and cultural benefits from the CDEP Scheme. Other findings included:

- urban CDEP participants were more likely to be in mainstream employment after the program than the average Australian jobseeker;
- CDEP participants are more likely to have a stronger sense of cultural identity, drink less alcohol and have fewer interactions with the criminal justice system than unemployed Aboriginal peoples and Torres Strait Islanders ; and
- of all qualifications obtained by a CDEP participant since the departure from school, 51% were obtained through the participation through the scheme. Of all training received during the past year, 77% were received through CDEP, of which 68% comprised accredited courses.

Enhancements to skills development/ training programs

ATSIC is developing two initiatives to improve the efficiency, effectiveness and professionalism of Indigenous organisations including CDEPs, namely:

- An Indigenous Organisations Training Package aimed at improving the administrative skills of Board members and Managers – the package is currently being accredited under the National Training Framework; and
- A CDEP Coordinator Training Package to provide accredited training – available from January 2001.

ANTA is developing strategies for implementing *Partners in a Learning Culture* which is a strategy for improving Vocational Education and Training (VET) outcomes for Indigenous people – CDEP participants are identified as a major target group. The aim is to commit State Training Ministers to developing strategies and providing funding to improve Indigenous VET outcomes. ATSIC has also been working to create more effective linkages with ANTA and State Training authorities to improve the delivery of pre-vocational skills and on-the-job and accredited training for CDEP participants. ATSIC has also been working with the Department of Education, training and Youth Affairs (DETYA) to pilot the delivery of Numeracy and Literacy Programs for CDEP participants.

Business development

ATSIC has funded the establishment of a CDEP Business Preparation Scheme (BPS). The Scheme was developed and pilot projects implemented in 1997/98 to determine the effectiveness of the Scheme in meeting the business development needs of CDEP organisations.

The CDEP-BPS Scheme provides funding for a wide range of business development and support services to CDEP organisations wishing to identify business opportunities, develop new business proposals or improve existing income generating activities. The Scheme has funded a range of business-development activities for over 60 projects to date and demand for the program continues to expand.

A review of the BPS scheme is currently being undertaken to determine the effectiveness of the program. CDEP continues to be a scheme with business outcomes and organisations with business acumen will continue to be supported. The

manner in which this will be approached and the levels of funding available will be determined at the completion of the BPS review.

Job creation

Whilst retaining its community development, community cohesion and cultural maintenance objectives, the CDEP Scheme is being reoriented to:

- Place greater emphasis of business development, employment and training outcomes in locations where this is possible.
- Expand linkages with employment and training programs, strategies and agencies to improve mainstream employment and training outcomes (Indigenous Employment Program, DEWRSB)
- Improve linkages with government agencies, the private sector and other relevant bodies to enhance access to commercial opportunities.

ATSIC has been approached by a range of private sector businesses to develop partnerships with CDEP organisations for the training and employment of participants. These include:

- Anaconda – up to 65 traineeships and apprenticeships
- Chubb Security – up to 100 traineeships and apprenticeships
- Century Zinc – in excess of 100 traineeships and apprenticeships
- Hamersley Iron (Rio Tinto)– 10 traineeships and apprenticeships

ATSIC is also currently negotiating with Telstra and Chevron Gas in the development of other major employment projects which will involve CDEP participants and has been exploring opportunities for partnerships with the Australia Chamber of Commerce and Industry and WA Chamber of Minerals and Energy.

CDEP Links to Other Agencies

To improve Indigenous employment outcomes, CDEP is complemented by mainstream programs, including the Job Network. In addition, the Government launched the Indigenous Employment Policy (IEP) in May 1999 to improve the ongoing employment circumstances of Indigenous jobseekers, including CDEP participants. The IEP is administered by the Department of Employment, Workplace Relations and Small Business (DEWRSB). IEP includes CDEP-related elements, including:

- *Wage assistance*, a new incentive to help disadvantaged Indigenous job seekers to find long term jobs either through Job Network or their own efforts using an eligibility card. Their employers, including CDEP organisations will get up to $4,400 for 26 weeks of full time work. Eligibility cards were issued from 1 July 1999 to job seekers registered with Centrelink and assessed as disadvantaged; and
- *CDEP Placement Incentives*, where CDEPs receive a bonus of $2,200 for each of their participants placed in work of 20 hours per week or more and off CDEP. Payments are made on the basis of $1,100 after 13 weeks of work and a further

$1,100 after 26 weeks of work. The placement incentives were introduced from 20 September 1999.

ATSIC has continued to work with DEWRSB and Centrelink to increase employment outcomes for participants through more effective utilisation of the IEP and the Job Network to enhance outcomes from CDEP and for Indigenous Australians generally.

ATSIC has also been working and the Department of Family and Community Services (DFaCS) and the Department of Education Training and Youth Affairs (DETYA) to pilot the delivery of the Numeracy and Literacy Program and the Disability Support and Families Program and a range of government and other services through CDEP to assist in the further development of CDEP communities.

CDEP and Essential Services

CDEP operates in very diverse geographic, cultural and economic environments. Communities range from those in extremely remote areas, such as Nhulunbuy and Warburton, to urban projects, such as the Adelaide CDEP and Yarnteen in Newcastle. Some remote communities choose to live very traditional lives, while using the infrastructure that CDEP provides. CDEP has been the major source of support for the establishment and consolidation of outstations and homelands. Urban CDEPs, on the other hand, tend to interact with the wider community, often through the creation of enterprises and by improving the ability of participants to access opportunities in the mainstream labour market.

The CDEP scheme enables grantee organisations to undertake activities that the community considers important. This may include supplementing essential community services and infrastructure development, the provision of which are the primary responsibility of other agencies.

ATSIC Grant Conditions (Program Specific Conditions for CDEP Grants) relating to CDEP funding state that "...the Grantee must not use CDEP Grant Funds to substitute services which are the responsibility of State or Local Governments or other Commonwealth agencies except where such service is provided under contract by the Grantee." The CDEP procedures also require that community infrastructure positions should not be funded from CDEP funding.

These conditions were developed by ATSIC is response to concerns that CDEP resources, particularly in remote areas, were being used to directly substitute the services and programs of other areas of Government. This substitution has also historically been a particular problem in Deed of Grant in Trust (DOGIT) Communities in Queensland.

In 1992 the House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs produced a report entitled, *Mainly Urban: Report of the Inquiry into the Needs of Urban Dwelling Aboriginal and Torres Strait Islander People.* This report identified the neglect experienced by Indigenous communities in relation to access to services and facilities, including those provided by local government. This situation has not changed greatly, there are currently 1, 345 CDEP participants involved in activities relating to the provision of essential services.

CDEPs have the potential to provide appropriate infrastructure for the delivery of mainstream services to discrete Indigenous communities and the broader community, including local government services, under contract or some other equitable arrangement. From an individual perspective, CDEP participants would gain further training and skills. Linkages to other programs and services could enhance the CDEP scheme by adding value to the employment and training opportunities offered to participants and providing improved services to the community.

Some CDEPs act as a 'labour broker' by contracting their employees to undertake specific tasks or to augment the labour force of other employers. There is scope for local governments to employ CDEP participants on this basis. For the participant this offers an opportunity to broaden their work experience and develop personal skills.

While the scheme provides substantial employment and training opportunities, it alone cannot overcome the Indigenous unemployment situation. A report commissioned by ATSIC shows that due to population growth, the Indigenous population is likely to increase from 280,000 in 1991 to 400,000 in 2006. The 1996 census shows that the Indigenous population was 353,000. This indicates that the actual population in 2006 will be substantially higher. The population is growing by more than 2% per annum while Indigenous employment is growing at less than 1% per annum. The Indigenous unemployment rate at the 1996 census was 23%. ATSIC believes that this figure is understated because of the number of unemployed people who were engaged in government labour market programs at the time. (The unemployment rate for Non-Indigenous Australians is currently about 8.1%.) Without CDEP the current Indigenous unemployment rate would be about 40%. To improve this situation will require an expansion in Indigenous employment, which is unprecedented.

Indigenous people are also much younger than non-indigenous Australians. At 30 June 1996, Australia's Indigenous population had a median age of 20.1 years which represents 14 years less than that for the total population (34.0 years). These statistics indicate that employment strategies for Indigenous youth must be a priority. Currently approximately a third of CDEP participants are under 25 years of age.

ATO Tax Zones

Participants 30/06/2000			1999-2000	
ATO Zones	Total	%	CDEP Oncost Expenditure	
Non-remote	11,251	37%	$	34,615,747
Remote	19,345	63%	$	61,988,467
Grand Total	30,596	100%	$	96,604,214

1999-2000 CDEP Grantees by ATO Tax Zones
Remote and Non-remote
Non-remote (97)
Remote (164)
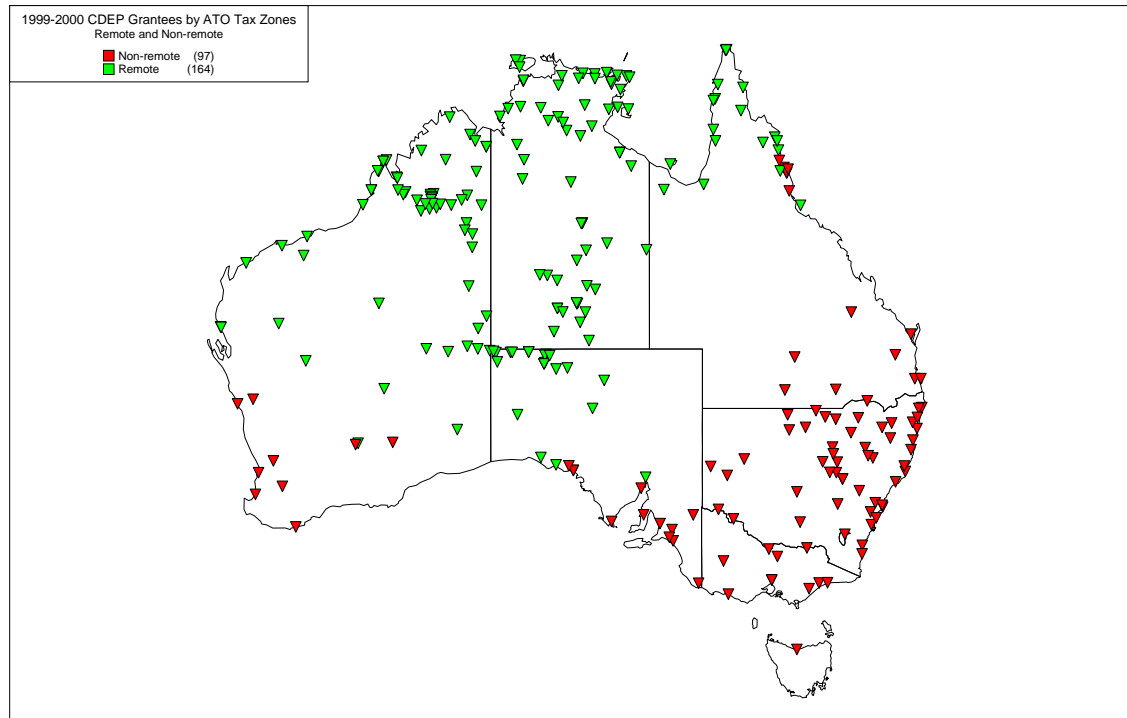
Metropolitan, Regional and Remote

Participants 30/06/2000			1999-2000
Metro/Regional/Remote	Total	%	CDEP Oncost Expenditure
Metropolitan Areas	1,196	4%	$ 3,947,207
Regional (Urban Centres - pop >1,000)	12,101	40%	$ 37,229,110
Remote (outside Urban Centres)	17,299	57%	$ 55,427,897
Grand Total	30,596	100%	$ 96,604,214

1999 2000 CDEP Grantees
Metropolitan, Regional and Remote Locations
- Metropolitan (11)
- Regional (81)
- Remote (169)
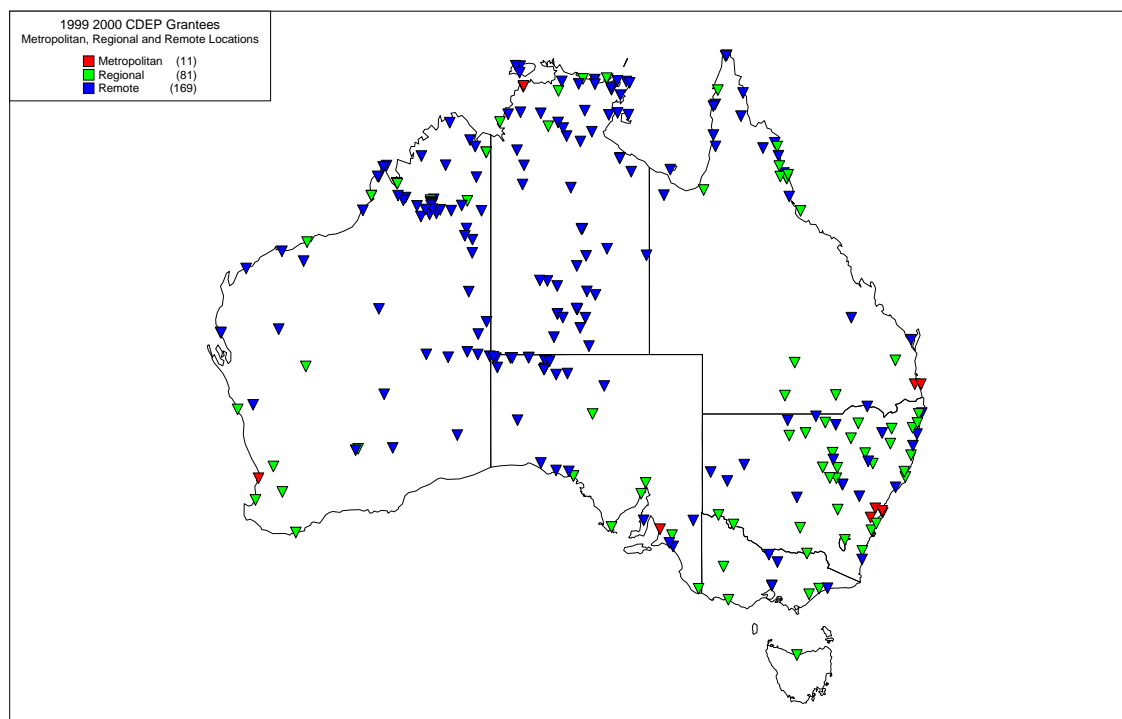
Sections of State

Participants 30/06/2000			1999-2000
Major Urban/Other Urban/Locality	Total	%	CDEP Oncost Expenditure
Major Urban (Pop. >100,000)	1,352	4%	$ 4,485,596
Other Urban (Pop >1,000 and < 99,999)	11,945	39%	$ 36,690,721
Locality (Pop >200 and < 999)	7,237	24%	$ 21,685,625
Rural Balance	10,062	33%	$ 33,742,272
Grand Total	30,596	100%	$ 96,604,214

1999-2000 CDEP Grantees
Section of State Locations
Locality (49)
Major Urban (13)
Other Urban (79)
Rural Balance (120)
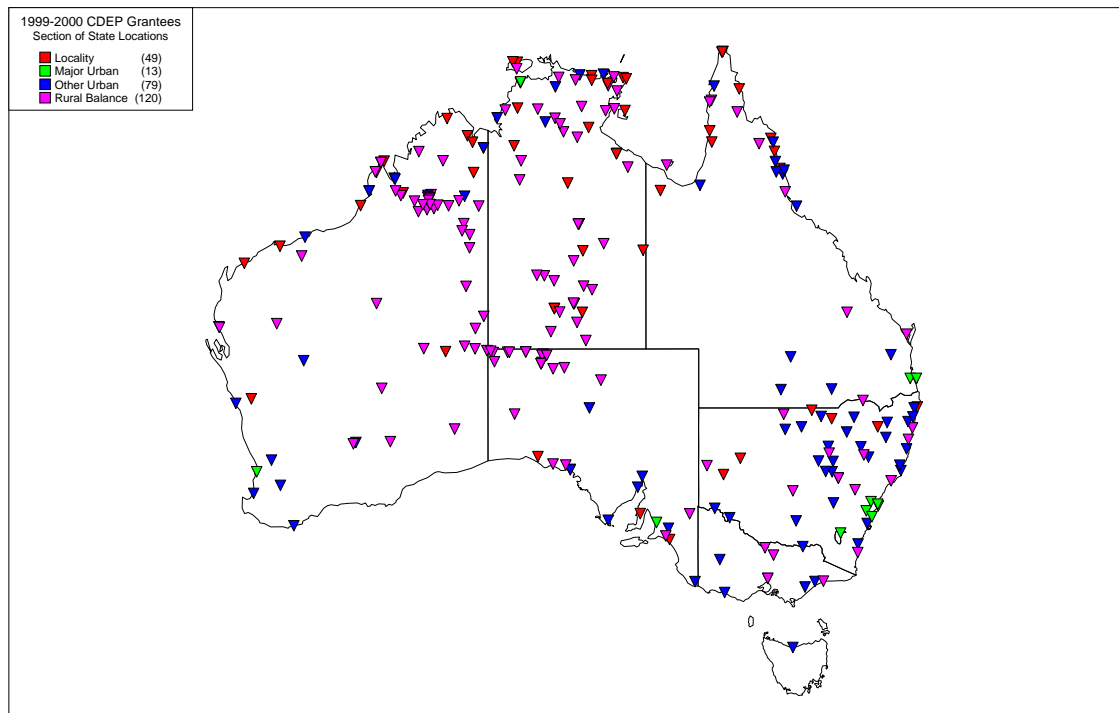
Urban and Regional

Participants 30/06/2000			1999-2000
Major Urban Area (pop >10,000)	Total	%	CDEP Oncost Expenditure
Major Urban (Urban Centre Pop. > 10,000 persons)	5,275	17%	$ 16,301,720
Regional	25,321	83%	$ 80,302,494
Grand Total	30,596	100%	$ 96,604,214

1999-2000 CDEP Grantees
Located within Major Urban Areas (Pop > 10,000)

■ Major Urban > 10,000   (38)
■ Regional   (223)
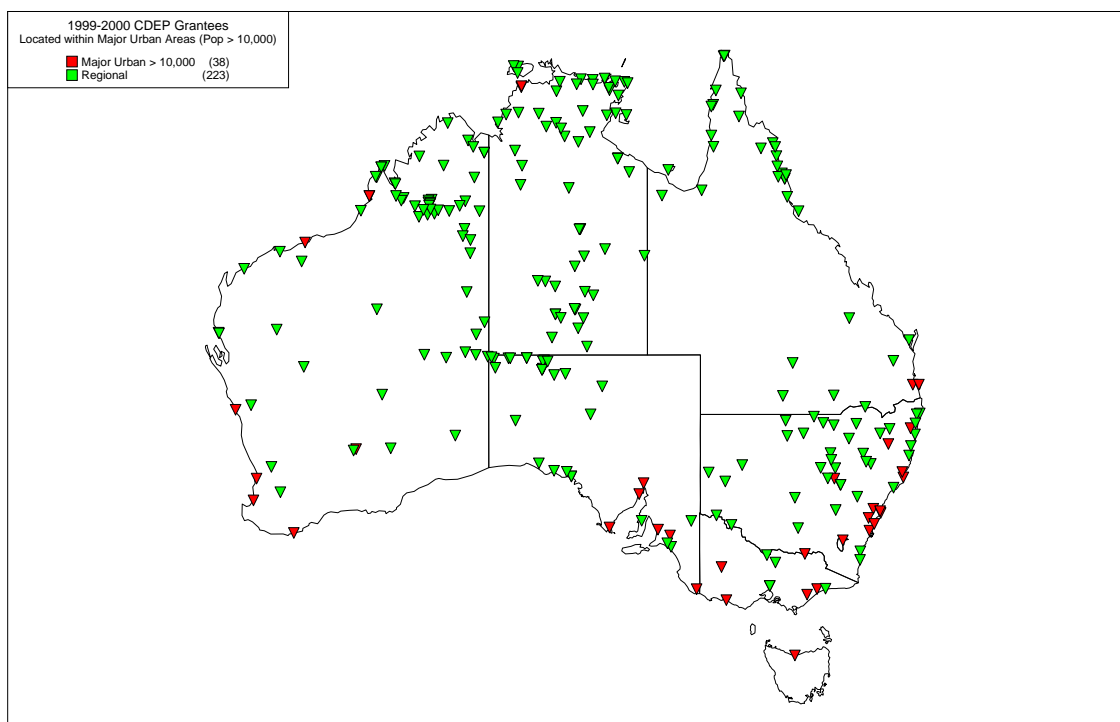
Participants 30/06/2000			1999-2000
State	Total	%	CDEP Oncost Expenditure
WA	8,843	28.9%	$ 27,709,753
NT	7,412	24.2%	$ 23,967,838
QLD	6,314	20.6%	$ 19,203,617
NSW	4,862	15.9%	$ 14,940,980
SA	2,339	7.6%	$ 7,719,563
VIC	738	2.4%	$ 2,666,393
TAS	88	0.3%	$ 396,070
Total	30,596		$ 96,604,214

ATSIC Regions

Participants 30/06/2000			1999-2000
Region	Total	%	CDEP Oncost Expenditure
Queanbeyan	255	0.8%	$ 939,220
Bourke	1,077	3.5%	$ 3,272,651
Coffs Harbour	1,427	4.7%	$ 4,189,253
Sydney	403	1.3%	$ 1,423,550
Tamworth	1,022	3.3%	$ 2,956,665
Wagga Wagga	678	2.2%	$ 2,159,641
Wangaratta	383	1.3%	$ 1,317,662
Ballarat	355	1.2%	$ 1,348,731
Brisbane	169	0.6%	$ 472,520
Cairns	1,431	4.7%	$ 3,878,529
Mount Isa	724	2.4%	$ 2,224,730
Cooktown	2,751	9.0%	$ 9,037,581
Rockhampton	264	0.9%	$ 775,102
Roma	751	2.5%	$ 2,192,732
Townsville	224	0.7%	$ 622,423
Adelaide	493	1.6%	$ 1,666,297
Ceduna	623	2.0%	$ 1,905,432
Port Augusta	1,223	4.0%	$ 4,147,834
Perth	477	1.6%	$ 1,339,678
Broome	1,369	4.5%	$ 4,033,351
Kununurra	1,126	3.7%	$ 4,346,315
Warburton	1,255	4.1%	$ 3,954,669
Narrogin	1,101	3.6%	$ 3,492,385
South Hedland	716	2.3%	$ 1,713,733
Derby	1,684	5.5%	$ 5,433,001
Kalgoorlie	319	1.0%	$ 1,049,526
Geraldton	796	2.6%	$ 2,347,095
Hobart	88	0.3%	$ 396,070
Alice Springs	505	1.7%	$ 1,603,297
Jabiru	1,717	5.6%	$ 5,228,526
Katherine	1,673	5.5%	$ 5,456,464
Aputula	925	3.0%	$ 3,367,948
Nhulunbuy	1,745	5.7%	$ 5,397,200
Tennant Creek	685	2.2%	$ 2,330,162
Darwin	162	0.5%	$ 584,241
Total	30,596		$ 96,604,214

Legal and Preventative Services

(Includes Family Violence Prevention)

Objective

Provision of quality, culturally appropriate, equitable and accessible legal (aid) assistance to Indigenous Australians in priority areas of law.

Provision of preventative, diversionary services that are designed to reduce the rate at which Indigenous Australians come into (adverse) contact with the criminal justice system.

Promotion of early resolution of problems, such as participation in programs aimed at preventing family violence.

Description

ATSIC contributes supplementary grant funding to Indigenous managed third part service providers for the delivery of four output elements:
- Legal (Aid) Services,
- Law and Justice Advocacy,
- Family Violence Prevention,
- Prevention, Diversion and Rehabilitation.

In most cases grantees are Indigenous incorporated community organisations except for some contracted external expertise.

1999/00 expenditure on the output group was $58.852million, which consisted of $51.336m in grants (and minor consultancies) to Indigenous managed third party service providers and $7.516m (12.8%) in operating costs.

Legal (Aid) Services

- A national network of 25 Aboriginal and Torres Strait Islander Legal Services (ATSILS) with sub-offices in 96 regional centres, - outlined in Attachment A.

- External expertise is contracted to assist ATSIC and ATSILS in their partnership to identify a range of support initiatives addressing management reforms and best practice service standards to improve accountability to clients and to government.

ATSILS, State Legal Aid Commissions (LACs) and Commonwealth-State funded Community Legal Services (CLSs) constitute a network of legal service providers across Australia. ATSILS service more than 90% of the Indigenous peoples who sought legal advice/representation. The 1994 Australian Bureau of Statistics Indigenous survey[xxiv] found that ATSILS are the preferred legal aid provider by the majority of Indigenous people. The availability and cultural acceptability of the ATSILS also influence this choice. One special feature not matched by other providers is the valuable role played by Indigenous field officers employed by the ATSILS.

ATSILS' Case loads trends

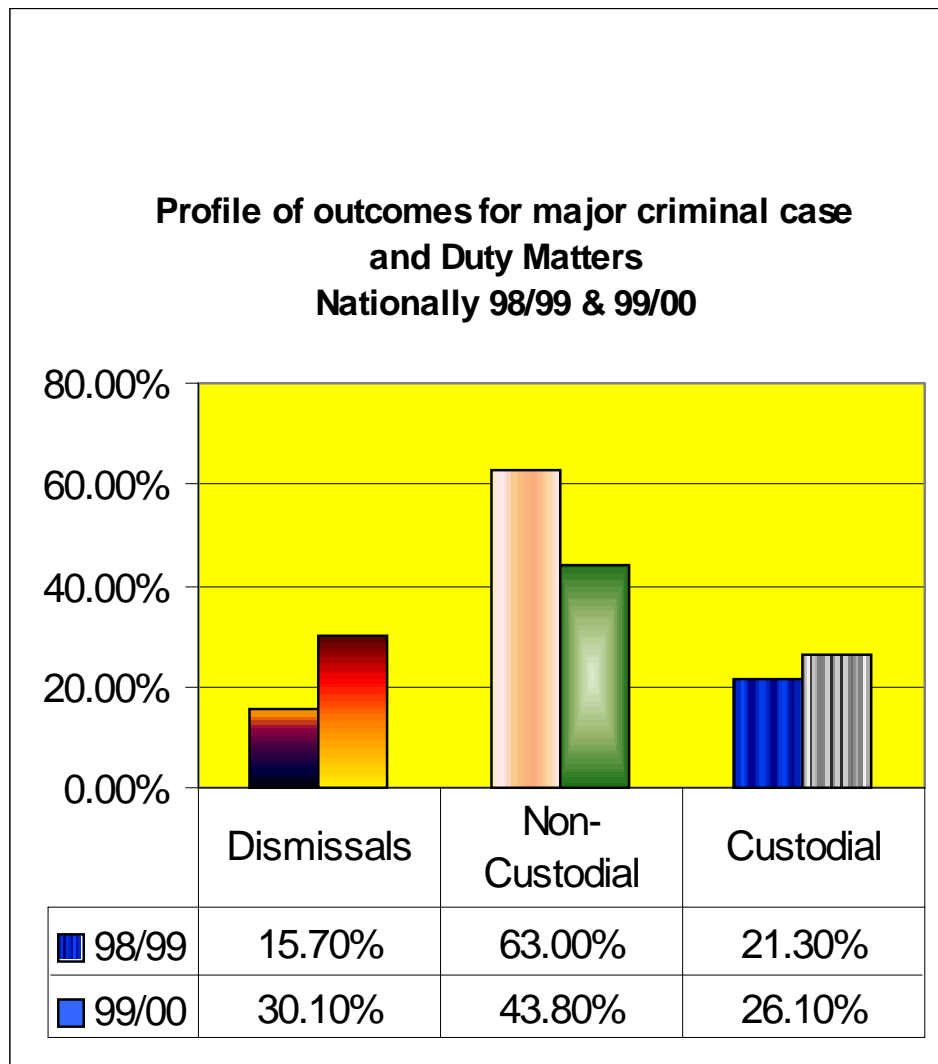There has been a trend towards reduction in the total number of Indigenous case and duty matters handled by the ATSILS. The following graph illustrates this trend:

Total Numbers of Matters Handled by ATSILS (case & duty)

	97/98	98/99	99/00
■ Not Identified	0	0	581
□ Female	29525	22254	19120
■ Male	83574	65139	57670
■ Total	113099	87393	77371
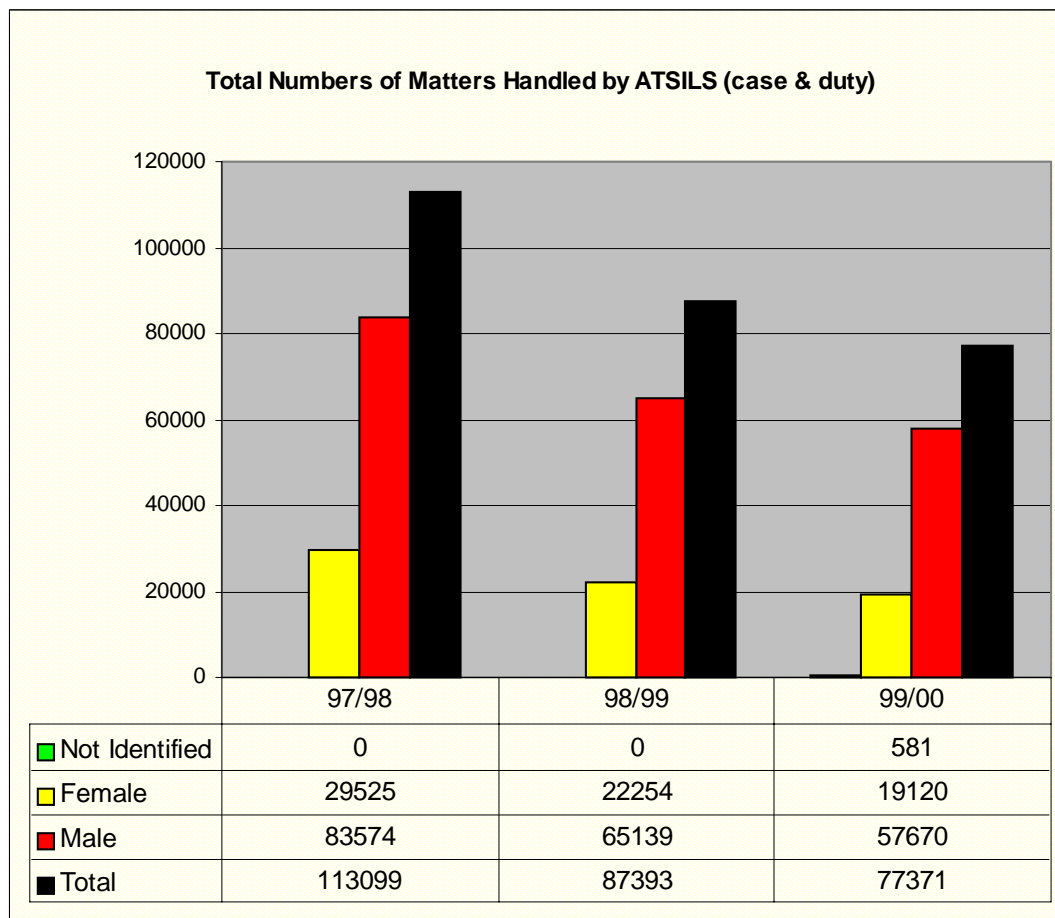
Whilst the 1997/98 ATSILS data does contain some element of inaccuracy and further analysis is required of data from the State LACs and CLCs (when and if available), to discount any concurrent increase of services to Indigenous people by those mainstream service providers, the following broad trends are beginning to emerge:

1. A reducing indication of Indigenous 'criminality' because of the incremental beneficial impact of other ATSIC socio-economic programs and policy advocacy

2. Increased emphasis by the ATSILS on quality rather then on quantity of services

3. A policy shift from concentration on criminal matters alone to steadily increasing family and civil law services by the Aboriginal and Torres Strait Islander Legal Services. Such a shift is consistent with the aim of developing a more holistic sense of physical and social well being for Indigenous Australians – and consequentially lowering the Indigenous 'criminality' rate.

4. An overall reduction in the number of case and duty matters is also a result of real reduction in funding to the Legal Aid sector by government.

Effectiveness of ATSILS/ATSIC's Legal Services Output Element on Incarceration Rates

Profile of outcomes for major criminal case and Duty Matters Nationally 98/99 & 99/00

	Dismissals	Non-Custodial	Custodial
98/99	15.70%	63.00%	21.30%
99/00	30.10%	43.80%	26.10%

A comparison of 98/99 and 99/00 financial years reflects an increase in effectiveness of ATSIC funded ATSILS, which are to be collectively congratulated on the significant increase in the number of court dismissals (14.4 %) of clients represented in the previous 12 months. This suggests an improvement in the quality of the ATSILS' services and their legal advocacy skills.

Chart 10 however also shows a significant decrease in non-custodial outcomes (-19.2%) but even more disturbing is the increase in custodial sentencing (+ 4.8 %). The increase in Indigenous incarceration rates is particularly alarming when one considers the overall reduction of Indigenous 'criminality' (-10,022) as is reflected in Chart 5-7. The increase in incarceration is influenced by such factors as the mandatory sentencing laws in some states/territories and perhaps a wider unwritten adherence to a zero tolerance policy by law enforcement agencies in other states and territories.

Law and Justice Advocacy

- One National and a State based Secretariat in Queensland provide lobbying, advocacy and research and technical support services to the national ATSILS network.
- Two Deaths in Custody Watch organisations (DICWC) [Perth and Brisbane] monitor recommendations of the Royal Commission into Aboriginal Deaths in Custody.
- Five State based Aboriginal Justice Advisory Committees (AJACs) [Sydney, Melbourne, Adelaide, Perth and Darwin] advise respective State and Territory Governments on appropriate measures to reduce current incarceration rates of Indigenous peoples and to monitor RCIADIC recommendations.

Family Violence Prevention

- Twelve Family Violence Prevention (Legal Service) Units provide assistance to women and children of Aboriginal and Torres Strait Islander families in need. These are located in:

NSW	Kempsey, Moree, Walgett
QLD	Cairns (Cape York) and Mt Isa
SA	Port Augusta
WA	Kalgoorlie, Fitzroy Crossing and Geraldton
NT	Darwin, Katherine and Alice Springs

- In a pilot program two Advocacy Centres in areas assessed as having high need [Kalgoorlie and Cairns (serving Cape York)] are developing best practice service delivery programs.

As eight of the twelve new ATSIC funded Family Violence Prevention Units (FVPUs) were only established in late 1999/00, quantitative performance data is not yet available. Anecdotal evidence and client/community feedback however suggests that the establishment by ATSIC of twelve culturally appropriate FVPUs is a welcome positive initiative, which has not been available from the mainstream service providers, who have a functional and funding responsibility in this critical area.

ATSIC draws to the committee's attention that independent studies suggest that the prevalence of Family Violence is 17 times greater in Indigenous communities.

Consequently ATSIC welcomes the government's Partnerships Against Domestic Violence (PADV) policy initiative, managed through the Office of the Status of Women (OSW). ATSIC also gratefully acknowledges the generous $1.310 million provided to ATSIC by the government over four years to establish two Family Violence Advocates Centres in Kalgoorlie and Cairns (serving the Cape York Region).

This PADV funding however ceases on 30th June 2001. ATSIC is already committing some $3.5 per annum to support the ongoing operations of the 12 FVPUs. Given that ATSIC does not have the prime functional funding responsibility for Family Violence

issues, it may not have the fiscal capacity to also meet the ongoing financial and moral commitment for the two advocacy projects after the end of this financial year.

ATSIC is currently arranging for an independent evaluation of these two advocacy centres as well of two of its FVPU's. We anticipate that the independent evaluation will influence current considerations by government on future financial commitments to initiatives that will reduce the incidence of Family Violence in Indigenous communities.

ATSIC's current budget commitments precludes any consideration for any substantial expansion of its financial commitment to fund further new initiatives to reduce the incidence of Family Violence on Indigenous communities.

ATSIC notes that the PADV policy initiative and associated funding is being coordinated by the Office of the Status of Women and notes that some of the PADV Round 2 funding is planned to be expended on Indigenous specific projects also to be coordinated and delivered, not by ATSIC and its extensive network of Regional Councils and Regional Offices, but by OSW in Canberra.

Prevention, Diversion and Rehabilitation

- Prevention, diversion and rehabilitation projects, with project priorities being determined by ATSIC Regional Councils, for Indigenous peoples at risk of becoming involved in the juvenile and criminal justice systems, such as night patrols or support groups.

- Two Prisoner Support Services (Sydney and Adelaide) to reduce recidivism

The Output is delivered in a manner consistent with the *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders (1992).* Accordingly the objectives of improved access to justice and prevention also involves ATSIC pursuing improved whole-of-government responses, and complementing services by other providers such as Legal Aid Commissions and Community Legal Services Centres. ATSIC is one of many agencies involved in addressing the inequitable treatment of Indigenous Australians by the justice system.

ATSIC provides $4.5 per annum for a range of projects: night patrols, young offender diversionary schemes, cultural camps, halfway houses and rehabilitation facilities.

ATSIC provided a submission to the Senate Committee earlier this year outlining its concerns in regard to the introduction and ongoing adverse impact of mandatory sentencing regimes in WA and the NT.

ATSIC however has a very limited financial capacity to respond and fund new culturally appropriate prevention, diversion and rehabilitation initiatives so as to minimise the adverse impact that such sentencing regimes have on Indigenous people. These sentencing regimes also contribute significantly to the continuing unacceptable higher rates of incarceration of Indigenous Australians, which in part sparked the Royal Commission into Aboriginal Deaths in Custody nearly a decade ago.

ATSIC's limited financial capacity is not a result of Prevention and Diversionary issues being considered as a lower priority but ministerial discretion on how ATSIC's appropriation is to be expended.

ATSIC in consultation with the Department of Attorney-General is currently planning an evaluation of night patrols with a view to quantifying the impact that these local initiatives have on diverting Indigenous people from the criminal justice system.

ATSIC also plans to undertake a literature/functional review of prevention, diversion and rehabilitation services with the view to identifying all mainstream service providers. This could increase the access by Indigenous people to mainstream diversionary services, thus reducing the call on ATSIC to provide such services to Indigenous people.

As ATSIC currently expends some $9.8million (inclusive of GST and on-cost) on Prevention (including Family Violence), Diversion and Rehabilitation initiatives, it is disappointing to note the lack of formal engagement of ATSIC, as the peak elected Indigenous body by mainstream agencies with a prime responsibility in this critical area. ATSIC recently wrote to the Commonwealth Department of the Attorney-General requesting permanent participation in the AG's Early Prevention Roundtable consultative forum.

Regional Council Funded Projects

The following project examples illustrate the range of initiatives that are funded by ATSIC Regional Councils in accord with local rather then imposed specific national priorities.

Western Australia

The Aboriginal Legal Service of Western Australia (ALSWA) is working with the Attorney General's Department to incorporate customary law into some aspects of statutory law. Community patrols incorporating the CDEP program similar to the NT have commenced in WA. These are specifically targeted to reduce truancy, juvenile crime rates and incidences of anti social behaviour.

Queensland

Prevention and Diversionary activities in Queensland focus on prevention of family violence through community involvement in Regional Council programs, and committees throughout the State. In the South East part of the State a peak youth coordination body 'First Contact' provides a 24 hr resource centre, a referral service and conducts street patrols. They provide a variety of diversionary activities including social dance/disco nights targeted at Indigenous and non-indigenous youth. Other projects include a 24hr cell watch program, night patrols, and referral and resource centres.

Tasmania

ATSIC provided a grant to the Tasmanian Aboriginal Centre (TAC) to assist in the establishment of a Youth Justice Diversionary program at Lungtalananna, (Clark Island) off Tasmania's north east coast. This program focuses on family support for young people identified as at risk of becoming involved in the criminal justice system and offers a range of cultural based programs on the island for individuals and families. The program is running concurrently with an alternative to imprisonment program at Lungtalananna, which the TAC has established with State Government funding.

Victoria

Workshops, Camps and Night Patrols including youth apprenticeship training and mentoring role models totalling 18 different projects were funded in various communities around Victoria. These have been well received and discussions between ATSIC, service providers and participants have identified the need for these initiatives to be ongoing.

NSW and South Australia (Correctional Support Services)

Aboriginal Prison Liaison, Social Justice and Corrections Officers continue to provide effective support to Indigenous clients involved in criminal court matters, through effective communication and education of offenders. Their assistance has contributed significantly to a reduction in court non-attendance, a better understanding of the legal system and an improved adherence to community service orders.

ATSIC provided substantial funding for specific Indigenous Prisoner Support Services in SA and NSW and has recently received funding applications by an Indigenous organisation in QLD to expand their operations to establish such services in that State. This suggests that State Governments, who have a functional funding responsibility for correctional and associated services, may not be giving due regard to access and equity principles in the provision of such services to their respective Indigenous constituency. ATSIC consequently foreshadows the need for a review of such services with a view to negotiating with State/Territory Governments more equitable and culturally appropriate Prisoner Support services for Indigenous prisoners as required.

Family Law

Despite the much publicised crisis of the Family Law Courts/System and the announcement on 17th May 2000 of the Family Law Pathway Advisory Group ATSIC is not hopeful of receiving additional funding to enable ATSILS to expand their services into family law. Consequently ATSIC will strive to build partnerships with relevant State Bar associations and Law Societies with a view to accessing the increase in mainstream pro-bono work, that is being advocated within the mainstream legal fraternity. Such a partnership would hopefully provide the vehicle to meet ATILS current limited ability (because of financial resource limitations) to provide adequate civil and family law services to Indigenous clients.

No precise data is available as to the number of family law matters that ATSILS cannot service, but it is generally understood to be substantial. In 1999/00 ATSILS collectively handled 2527 family law matters.

ATSIC notes the Attorney-General's recent advised intention to establish a pro-bono task force. ATSIC welcomes the suggested representation of ATSILS representatives from NSW and Queensland, but is disappointed that there is not a wider national representation of the ATSIL network and that ATSIC itself, as the peak elected Indigenous body has not been invited to be represented on the task force.

Clinical Legal Education

The proposal has been recommended by the Steering Committee advising the Attorney-General and the Minister for Aboriginal and Torres Strait Islander Affairs on mainstream legal aid reforms.

This proposal in essence mirrors the current scheme operated by the Attorney-General's Department/Community Legal Services. The AGs and University share the infrastructure costs of employing law students on a voluntary basis to work in CLSs. This provides additional cost-effective quasi-legal expertise to the CLSs with the student gaining hands-on practical experience during the course of his studies- an element considered highly desirable by law faculties.

ATSIC's proposal would place emphasis on Indigenous law students (but not exclusively so) and that voluntary work by students (or under stipend arrangements based on prevailing welfare mutual obligation arrangements) is undertaken in Aboriginal and Torres Strait Islander Legal Services serving Indigenous people.

The outcomes would be enhanced legal aid products to Indigenous people thus in the longer term reducing Indigenous criminality and resultant incarceration rates.

Concluding Remarks

ATSIC looks forward to continuing partnerships with the Commonwealth and all State and Territory Governments to contribute to the delivery and promotion of:

- Quality, culturally appropriate, equitable and accessible legal (aid) assistance to Indigenous Australians in priority areas of law.
- Provision of culturally appropriate, preventative, diversionary and rehabilitation services.
- Early intervention to reduce the impact of family violence not only on the victims, but also perpetrators and their children,

Such partnerships are imperative to reduce the unsatisfactory rate at which Indigenous Australians come into adverse contact with the criminal justice system. This partnership commitment would not only reduce the associated economic costs of high incarceration rates, but also reduce the damaging social cost currently being paid by a minority of Australian citizens –Aboriginal peoples and Torres Strait Islanders.

Aboriginal and Torres Strait Islander Legal Services (ATSILS)
Consolidated locations of ATSILS Head Office and Sub Offices

Head Office	Sub Offices
NSW	
Grafton	Taree, Newcastle, Kempsey Lismore, Coffs Harbour
Armidale	Moree, Tamworth
Wagga Wagga	Cowra, Griffith, Canberra-Queanbeyan
Nowra	Moruya
Dubbo	Bourke, Broken Hill, Walgett
Sydney	Liverpool, Blacktown, Campbelltown. Wollongong

Victoria	
Melbourne	Bairnsdale, Shepparton, Heywood, Mildura, Swan Hill, Morwell

Tasmania	
Hobart	Launceston

Queensland	
Brisbane	Beenleigh
Ipswich	
Rockhampton	Bundaberg, Hervey Bay
McKay	Bowen
Townsville	
Cairns	
Cairns (Cape York)	
Toowoomba	Chinchilla, St George, Warwick
Murgon	
Charleville	Cunnamulla, Roma, Mitchell
Mt Isa	Normanton, Doomadgee, Mornington Island

South Australia	
Adelaide	Ceduna, Murray Bridge, Pt Augusta, Pt Lincoln, Cobber Pedy

West Australia	
Perth	Albany, Broome, Carnarvon, Derby, Geraldton, Kalgoorlie, Karratha, Newman, Kununurra , Roebourne, Fitzroy Crossing, Halls Creek, Laverton, Meekatharra, Northam, Bunbury, South Headland

Northern Territory	
Darwin	
Katherine	
Nhulunbuy	
Alice Springs	Tennant Creek

Native Title and Land Rights

Advancement of Indigenous rights to land and sea

Objective

Formal recognition and exercise of Aboriginal and Torres Strait Islander peoples' native title, land and sea rights

During 1999-2000, the Native Title and Land Rights Branch was involved in the co-ordination and delivery of the following activities:

- provision of policy advice to the Government on issues relating to native title and land rights;
- provision of advice to the Minister for Aboriginal and Torres Strait Islander Affairs on the administration of those parts of the *Native Title Act 1993* (NTA) which are Indigenous-specific and of the Commonwealth land rights legislation;
- funding native title representative bodies through the Native Title Program to provide services to persons who may hold native title;
- advocacy of enhanced recognition of Indigenous rights and interests in land and sea; and
- promoting public awareness of native title and land issues.

ATSIC also provides funds to the Native Title Unit of the Australian Institute of Aboriginal and Torres Strait Islander Studies and to the Centre for Aboriginal Economic Policy Research to conduct relevant research and issue native title-related publications.

Advocacy and public awareness

ATSIC advocates the Indigenous position in respect of Commonwealth and State/Territory native title legislation and related areas where Indigenous rights may require protection. This is achieved through participation in interdepartmental committees and maintaining constructive working relationships with relevant government and non-government bodies. In most States, ATSIC supports Indigenous advocacy bodies on native title. Also funded under this output is research into, and production of public awareness information and publications on, native title and land issues.

Also reported below are the activities of the Indigenous Cultural and Intellectual Property Task Force established last financial year within the Native Title and Land Rights Branch. The taskforce is working to implement recommendations of *Our Culture, Our Future: Report on Australian Indigenous Cultural and Intellectual Property Rights*, launched in September 1999.

The following report is divided into two sections: Native Title and Land Rights (inclusive of the Regional Land Fund).

Native title

ATSIC's administration of the NTA entails:

- providing timely and professional advice to the Minister on the recognition of representative bodies and on the administration of the Indigenous-specific provisions of the NTA;
- providing funding to representative bodies to assist them to perform their statutory functions under the NTA; and
- providing assistance to representative bodies to enhance their capacity to comply with their obligations under the NTA. ;

Land rights

ATSIC has major responsibilities under the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Land Rights Act). This Act provides for grants of land to Aboriginal people in the Northern Territory, establishes land councils, sets out the regime for development, exploration and mining on that land, and includes a mechanism for the disbursement to Aboriginal people and their organisations of mining royalty equivalents. Four Aboriginal Land Councils established under the Land Rights Act exercise powers and functions in support of traditional owners. Details of their activities are provided in separate annual reports.

ATSIC's responsibilities under the Land Rights Act include processing of land claim reports, resourcing of the Office of the Aboriginal Land Commissioner and management of the Aboriginals Benefit Account.

ATSIC also helps to administer two further Commonwealth Acts, the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986* and *Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987*.

Section 68 of the *Aboriginal and Torres Strait Islander Commission Act* 1989 also establishes the Regional Land Fund (RLF). It allows Regional Councils to make allocations from their annual discretionary budgets for future land purchases within their region.

Native title

Budget

The Native Title program totalled $52 466 418 in 1999-2000. This comprised the Government's contribution of $41.788m and an additional $10 678 418 from within ATSIC after it was decided that other priorities would have to be foregone for the sake of the drastically-under-funded representative body system.

Initiatives

ATSIC continued to provide Native Title Representative Bodies (NTRBs) with support to provide native title services to claimants across Australia. A detailed description of those activities is provided below according to invitation area.

ATSIC also continued to implement the legislative provisions for representative bodies contained in the NTA. This involved the Minister for Aboriginal and Torres Strait Islander Affairs deciding on a number of invitation areas across Australia and issuing invitations to existing NTRBs to apply to be recognised as the representative body for a particular area. This process and its outcomes are discussed more fully below under the heading 'Recognition process'.

Area reports

To ensure maximum participation of Indigenous people in the development of complementary legislation, ATSIC funds State-based Indigenous working groups. Their role is to coordinate the Indigenous response, seek to negotiate directly with State and Territory Governments and promote awareness within the Indigenous community. Their activities are reported below by State/Territory.

New South Wales
The New South Wales State Office administered a native title grant of $3 255 476 to the New South Wales Aboriginal Land Council (NSWALC) as the determined representative body during the year under review. The NSWALC is currently providing support to 20 claims, all of which are in mediation. Ten claims passed the new registration test.

NSWALC's Native Title Unit supported claimants in the landmark case *Anderson v Wilson*, which has been described as 'the Wik case of New South Wales'. That case addressed the issue whether leases granted under the State's *Western Lands Act 1901*, and, in particular, leases in perpetuity for grazing purposes, extinguished all native title rights. Following the Wik decision, all three judges found the Western Lands leases did not necessarily extinguish all native title rights. Western Lands leases cover approximately 42 per cent of New South Wales, thus allowing native title claims to go ahead over those areas.

In accordance with a New South Wales State Advisory Committee resolution to undertake consultation with native title claimants, ATSIC's elected arm in New South Wales convened four consultations across the State in partnership with the NSWALC's Native Title Unit and the Sydney Registry of the National Native Title Tribunal. The consultations took place in July 1999 and approximately 100 participants contributed to constructive discussions about ways of improving native title service delivery across the State.

A meeting between the NSWALC Executive and the three New South Wales Commissioners in January 2000 established the foundation for the reform of the land council's Native Title Unit (NTU). The reforms involved, among other things, the establishment of a joint ATSIC-land council native title monitoring committee, the appointment of a NTU Change Manager and a restructure of the NTU financial management processes to improve accountability.

Victoria
The Victorian State Office administered a native title grant of $2 300 576 to the determined representative body, Mirimbiak Nations Aboriginal Corporation (MNAC), that provided services in 1999-2000. MNAC has had 36 of its claims pass the new registration test. As a consequence of the registration process, many separate claims have been merged and MNAC is currently supporting 25 claims.
ATSIC Victoria and MNAC have jointly developed a draft protocol to negotiate with the State Government a framework for managing and administering native title matters within Victoria. The framework document was signed by the ATSIC Chairman, the Victorian Commissioner and Regional Council Chairs in May 2000. The negotiation protocol is with the Victorian State Government for consideration.

Three agreements were achieved during the year:
- Minerva Gas Field Development ILUA, the first Victorian ILUA, involving land access for the proposed Minerva Gas Field Development in south-west Victoria. Interested parties include the Framlingham Aboriginal Trust and the Kirrae Whurrung Native Title Group (assisted by MNAC), BHP Petroleum Pty Ltd and the Victorian Government. The agreement permits BHP Petroleum to construct a pipeline from the Minerva Gas Field (10 km south of Port Campbell in the Southern Ocean) to the coast passing through the Port Campbell National Park to a gas plant north-west of Two Mile Bay. Under the agreement, local Aboriginal people are provided with heritage protection and management, employment opportunities and financial benefits. The ILUA does not involve the extinguishment of native title;
- the Gunai-Kurnai agreement with Yallourn Energy Pty Ltd concluded in September 1999. The agreement allows the NNTT to make a consent determination, giving the go ahead to the grant of a mining lease to Yallourn Energy near Morwell in the La Trobe Valley. As registered native title applicants for the area, the Gunai/Kurnai people had the Right to Negotiate after the Victorian Government announced its intention to grant a coal mining licence to Yallourn Energy in 1998. When initial negotiations did not resolve issues, the mining company asked the NNTT to arbitrate, after which the agreement was concluded;
- the Gunai-Kurnai agreement with Pacific Minerals Pty Ltd, ABC Resources Pty Ltd and the Victorian Government provided to the NNTT in June 2000. The agreement

paves the way for a consent determination and relates to the grant of a 240 ha mining licence near Tabberabbera in East Gippsland. The agreement encompasses compliance with an agreed cultural heritage and environment management plan; provision of employment and training opportunities for Gunai-Kurnai people in mining activities, including rehabilitation and revegetation; and keeping native title holders informed about aspects of the mining operation.

Queensland Far North
The Cairns Regional Office administered two native title grants to organisations providing native title services in Far North Queensland during 1999-2000.
The Cape York Land Council (CYLC) received a grant totalling $3 753 984 to provide services in ATSIC's Peninsula Region. CYLC continues to support 17 claims in various mediation processes. Two claims have passed the new registration test.

CYLC has been pursuing agreements rather than litigation as a means of resolving native title claims. These include assistance to claimants in ongoing matters such as Wik, Comalco, Kaurareg, Chevron and West Coast Traditional Owners.

The second grant, totalling $1 957 000, was provided to the North Queensland Land Council (NQLC) for services in ATSIC's Cairns region. The NQLC deals with a diverse range of client groups, which complicates the organisation's work. It is currently assisting claimants in relation to seven claims, including mediation. Three claims passed the new registration test.

An achievement over the last year was the signing of an ILUA in relation to small mining. Other traditional owner groups have the option of signing up to the agreement and it may be used as a template for all future small mining applications throughout the NQLC region.

NQLC has also had to deal with a large volume of notices issued by the Great Barrier Reef Marine Park Authority to notify any potential native title holders of applications in the reef that may impact on native title.

In September 1999 the NNTT advertised the Telstra-Ewamian ILUA for public notification. This ILUA involves the grant of a 20 year lease over four hectares of land in the Forsayth area in Far North Queensland to enable Telstra to build a radio telecommunications tower. The agreement provides for environmental and cultural heritage protection for the Ewamian people, and does not extinguish native title. NQLC is assisting the claimants.

Queensland West
The Mount Isa Regional Office administered a native title grant of $1 845 930 to the Carpentaria Land Council Aboriginal Corporation (CLCAC), the representative body within the northern part of the Queensland Far West invitation area during the period of review. One claim has passed the amended registration test.

The CLCAC is supporting the claimants in two important native title claims in the region, the Wellesley Island sea claim and the Waanyi claim. The Wellesley Island claim in particular is seen as a national test case for sea rights for Indigenous people and will be determined in the Federal Court next financial year.

A grant of \$634 961 was utilised by the West Queensland Aboriginal and Torres Strait Islander Corporation to support a claims coordination service for claimants in the Greater Mt Isa region, which was not represented by a NTRB during 1999-2000.

Queensland North
The Townsville Regional Office administered a grant of \$2 419 084 to the Central Queensland Land Council (CQLC). Fourteen claims have now passed the amended registration test. As a consequence of the registration process, many separate claims were merged and CQLC is currently providing support to 11 claimant groups.

During 1999-2000 two agreements in Central Queensland were added to the Register of ILUAs maintained by the NNTT. The agreements, concluded in August 1999, relate to the construction of a new surf lifesaving club and the gazettal of land for a park in the Mackay Harbour Beach area of North Mackay. Four local Aboriginal groups (assisted by the CQLC), the Queensland Government, Mackay Surf Life Saving Club and Mackay City Council were all parties to the ILUA.

Queensland Central
The Rockhampton Regional Office administered a grant of \$1 807 680 to the Gurang Land Council Aboriginal Corporation (GLCAC). GLCAC was under an Administrator for a period of almost two years until February 2000, when a new board was elected. GLCAC is currently providing support to 24 claimant groups and 13 claims being handled by the GLCAC have now passed the registration test. It has dealt with eight Section 29 Notices and is in the process of completing three major negotiations.

Funding was provided to GLCAC to facilitate Sea Forum Workshops to identify ways to protect Indigenous rights and achieve joint management of the Southern Great Barrier Reef. The Sea Forum Working Group has successfully presented a paper *Aboriginal involvement in the management of the Southern Great Barrier Reef* to State agencies and the Great Barrier Reef Marine Park Authority. This was a major step towards the finalisation of a Framework Agreement.

Queensland South
The Brisbane Regional Office administered a grant of \$1 603 360 to FAIRA Aboriginal Corporation, the determined representative body that provided native title services within the eastern part (ATSIC's Brisbane region) of the Queensland South invitation area during the period of review. Although no claims have passed the amended registration test, FAIRA continues to support two claimant groups. It is nearing completion of two agreements: one with the Brisbane City Council in relation to a native title framework agreement with traditional owners, the other with Allgas for a pipeline between Gatton and Gympie.

The Quandamooka Land Council (QLC) and the Redland Shire Council Native Title Agreement puts into place the North Stradbroke Planning and Management Study which is a negotiated process to determine a Strategic Plan for the island and an agreement on management roles and responsibilities. The agreement will include a process for the transfer of land under an appropriate form of title.

The Roma Regional Office administered a grant of $2 294 096 to the Goolburri Aboriginal Corporation Land Council (GACLC), the representative body providing provided native title services within the western part (ATSIC's Goolburri region) of the Queensland South invitation area. As a consequence of the registration process, many separate claims were merged and GACLC is currently providing support to 12 claimant groups. Six claims have now passed the amended registration test.

South Australia
The South Australian State Office administered a grant of $2 912 504 to the Aboriginal Legal Rights Movement Inc (ALRM), one of three representative bodies providing native title services within the boundaries of the South Australia invitation area in 1999-2000. The others were Anangu Pitjantjatjara (for the Pitjantjatjara lands) which received a grant of $98 584 and Maralinga Tjarutja (for the Maralinga lands) which received $56 965 (see 'South Australian legislation' below).

As the representative body responsible for the majority of native title work within the State, ALRM implemented a service strategy intended to ensure existing claims passed the amended registration test. The imperative was to provide native title claimants with the Right to Negotiate. All five ALRM claims have now passed the registration test.

ALRM has continued to negotiate with the State Government about a State-wide Framework Agreement, which has involved other key industry groups, including the SA Farmers Federation, the SA Chambers of Mines and Energy and the SA Fishing Council. The State Government has since established a discrete entity within the Crown Solicitor's Office to administer the process, under the auspices of the Indigenous Land Use Agreement Negotiating Team.
ALRM was specially funded for the presentation and representation at trial of the De Rose Hill claim, which is currently before the Federal Court. This particular claim has been supported by ATSIC over consecutive financial years. The additional commitment reflects its importance in achieving recognition of native title rights in South Australia. The associated legal arguments include debate on the issues of extinguishment of native title by State legislation and whether native title exists over pastoral leases in the State.

Kimberley, WA
The West Kimberley Regional Office administered a grant of $4 432 713 to the Kimberley Land Council (KLC), the representative body within the boundaries of the Kimberley invitation area during the period of review. 82 claims have now passed the amended registration test. As a consequence of the registration process, many separate claims were merged and the KLC is currently providing support to 39 separate claimant groups.

Native title continues to be a contentious and difficult issue in the Kimberley. Over the past year ATSIC has been involved with the negotiations and mediation between the KLC and native title claimants in the Broome region. This culminated in a meeting in June of all parties to attempt to resolve issues and reach agreement so that native title outcomes can be achieved.

In May 2000, the Full Court of the Federal Court brought down a judgment on the appeal against the Mirriuwung Gajerrong (MG) native title determination by Justice Lee in November 1998. The Aboriginal Legal Service of Western Australia and the KLC on behalf of the Western Australian claimants and the Northern Land Council on behalf of Northern Territory claimants opposed the appeal by the State and Territory Governments.

The majority upheld Lee J's decision that native title existed in the determination area and was held by the MG and Balangarra peoples. These rights and interests amounted to full rights to possess, occupy, use and enjoy the lands. The extent of the determination area, however, was substantially reduced as a result of the majority decision.

The majority also held that native title rights to minerals and petroleum had been extinguished by legislation in Western Australia and the Northern Territory, and that native title rights were permanently extinguished in those areas of Western Australian pastoral leases that had been fenced and improved. This decision of the Full Federal Court is being appealed to the High Court by the Commonwealth and the claimants.

In addition to the MG case, the KLC has had to process a number of claims in the Federal Court during the year under review. These include the two Karajarri native title proceedings as well as the Bardi Jawi claim. The Karajarri trial commenced in May 2000.

Pilbara, WA
The South Hedland Regional Office administered three native title grants within the Pilbara invitation area during the period of review.

The Pilbara Aboriginal Land Council (PALC) received a grant of $806 066 to provide services within the eastern part of the invitation area. Thirty-one claims have now passed the amended registration test. As a consequence of the registration process, many separate claims were merged and PALC was providing support to eight claimant groups at the end of the year.

The Aboriginal Legal Service of Western Australia (ALS Hedland) provided the native title services in the western part of the invitation area and received a grant of $982 948. Sixteen claims have now passed the amended registration test. Many separate claims have been merged and ALS Hedland is currently supporting three claimant groups.

The Ngaluma/Injibandi claim was the major focus of attention during the year. The claim was subject to overlaps by two competing groups, one a breakaway from the original claimant group. Hearings before the Federal Court commenced in March 2000 in Perth and on country on the Burrup Peninsula in the Pilbara region. Parties were required to prepare final written submissions before the court makes its judgment. The claim has been complicated by challenges by one of the competing claimant groups in the Federal Court under the *Administrative Decisions (Judicial Review) Act 1983* against decisions by ALS Hedland and ATSIC in relation to applications for financial assistance.

The Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC) received a grant of $644000 and was the NTRB for the Martu region, which extends from the south-east of the Pilbara into the north-west of the Central Desert invitation area. To date, one claim has passed the amended registration test and the organisation continues to support two claimant groups.

Geraldton, WA
The Geraldton Regional Office administered a grant of $1 800 788 to the Yamatji Barna Baba Maaja Land and Sea Council (YLSC), the representative body within the boundaries of the Geraldton invitation area. 17 claims have now passed the amended registration test and the YLSC is currently providing support to 13 claimant groups.

This organisation has moved significantly to rationalise the number of overlapping claims in the region and through a network of well established Native Title Working Groups has fostered negotiated, rather than litigated, settlements.

A significant agreement has been made with the State Government, the first of its kind in Western Australia, to establish ongoing discussions over native title issues and claims in the region.

Goldfields, WA
The Goldfields Land Council (GLC) received $2 513 203 to provide services within the Goldfields invitation area during 1999-2000. Thirty-five claims have now passed the amended registration test and many separate claims merged. The GLC currently supports 10 separate claimant groups. It has also been negotiating three major regional agreements. One of these, the North East Independent Body, was close to completion at the end of the year. It is also negotiating a number of smaller agreements.

Central Desert, WA
The Ngaanyatjarra Council (NC) received a grant of $1 146 945 to provide services within this area during 1999-2000. All 11 claims being handled by NC have now passed the amended registration test. Most of these claims have been the subject of orders in the Federal Court requiring the claims to be ready for trial during the next financial year.

South West, WA
The Western Australian State Office administered a grant of $2 312 261 to the Aboriginal Legal Service of Western Australia (ALS), to provide native title services within the whole of the State of Western Australia during the period of review. Twelve claims have now passed the amended registration test and many separate claims merged. The ALS is currently supporting seven claimant groups. ALS joined with the KLC in providing support to the majority of the Western Australian claimants in the defence of the determination by Justice Lee in the MG claim. Its application to seek leave to appeal to the High Court will be heard in August 2000.

The ALS also made significant progress in the Nganawongka Wadjari Ngarla claim in the Geraldton invitation area. Hearings before the Federal Court commenced in September 1999 and were subsequently adjourned by Justice Madgwick to allow discussions with a view to settlement of the claim by consent.

The Perth Regional Office administered a grant of $1 472 114 to the Noongar Land Council Aboriginal Corporation (NLCAC) to provide services within ATSIC's Perth region, part of the South West invitation area. Six claims have now passed the amended registration test and many separate claims merged. The NLCAC is currently supporting seven broad claimant groups, encompassing the whole of the region. Historical and ethnographic research to prepare these claims for trial is well advanced. Once completed, expert opinion will be sought as to the viability of the claims. The State Government has stated that it does not believe native title exists in the south west and that it will oppose all the Noongar claims.

NLCAC has initiated negotiations with the Western Australian Municipal Association with the aim of settling local government native title issues without recourse to litigation. With assistance from the NNTT they are seeking to develop ILUAs with all local government authorities in the south west so that local councils, which are parties to all claims, can withdraw from litigation. Negotiations are well advanced with the Collie Shire, which has agreed to hand back a significant parcel of land to claimants. A similar agreement with the Manjimup Shire is well advanced.
The NLCAC has developed 'deferred site clearance' agreements with mining companies. These allow initial exploration with minimal ground disturbance to proceed unhindered, on the condition negotiations resume if full exploration is proposed.

Northern Territory Northern
The Darwin Regional Office administered a grant of $2 283 453 to the Northern Land Council (NLC) to provide services within this invitation area. Seventeen claims have now passed the amended registration test and the NLC is currently supporting 33 claimant groups.

On 11 July 1999, the Warlangluk ILUA was added to the Register of Indigenous Land Use Agreements following a period of public notification. The NLC assisted claimants in finalising the ILUA, which also involved the Northern Territory Government and the Jawoyn Association as parties. Under the ILUA, the Warlangluk Aboriginal Corporation will relinquish native title rights and interests over the Warlangluk area, 20 km south of Katherine, in return for freehold title to a 16 ha site in the same area to be used by the Kalano Community Association for an alcohol rehabilitation facility and other community purposes. The 'Warlangluk' lands would be sub-divided by the NT Land Corporation for horticultural projects.

Northern Territory Southern
The Alice Springs Regional Office administered a native title grant of $1 701 638 to the Central Land Council (CLC) to provide services within this invitation area. Four claims have now passed the amended registration test. The CLC is currently providing support to eight claimant groups.
On 23 May 2000, following litigation, the Federal Court made a native title determination relating to 166 separate areas around the town of Alice Springs. Native title was found to exist in relation to 113 of these areas but extinguished in the remaining 53 areas. The CLC assisted the claimants to achieve recognition of their native title rights, which included rights to possession, occupation, use and enjoyment of, as well as the natural resources found within, the lands and waters of the determination area. This is the first native title determination within the boundaries of

a large country town, and provides a basis for arguing for greater involvement of native title holders in decisions about developments around towns.

Tasmania

The Tasmanian State Office administered a grant of $105 500 to the Tasmanian Aboriginal Centre (TAC) to research native title within the boundaries of the Tasmania invitation area.

The TAC intends building on archival and historical research previously undertaken by their native title section while at the same time increasing community awareness of native title issues by way of community meetings throughout the State, including the islands. It is intended that a native title claim be fully developed within a period of 12 months.

State and Territory complementary legislation

The amended Native Title Act allows State and Territory Governments to enact complementary legislation and to set up alternative native title legal regimes to provide for:

- validation of intermediate period acts;
- confirmation of extinguishment;
- an alternative Right to Negotiate scheme for pastoral leases, reserves, etc. (requires Commonwealth ministerial approval);
- exemption of certain exploration acts from the Right to Negotiate (requires Commonwealth ministerial approval);
- an alternative regime for some compulsory acquisitions of native title rights for third parties and the granting of mining interests for constructing a mining infrastructure facility; and
- an alternative registrar and alternative claims mediation body (requires Commonwealth ministerial approval).

At 30 June 2000, most State and Territory Parliaments had passed legislation for validation and for confirmation of extinguishment. In Queensland this included the controversial extinguishment of native title on Grazing Homestead Perpetual Leases that may not extinguish native title at common law. These leases cover about 12 per cent of the State. ATSIC is opposed to this legislation as it pre-empts the development of the common law and will permanently deprive native title holders of all rights.

ATSIC estimates that native title has been extinguished without judicial authority over approximately 6 per cent of Australia.

ATSIC's other main concern is that the amended Native Title Act allows State and Territory Governments to replace the Right to Negotiate with schemes of lesser consultation rights for native title holders on pastoral leases and reserved lands such as national parks. Such schemes do not come into effect unless they are:

- approved by the Commonwealth Attorney-General; and
- are not disallowed by either house of the Australian Parliament.

The situation in each of the jurisdictions in relation to alternative Right to Negotiate schemes and other native title legislation as at 30 June 2000 is reported below.

Queensland

On 1 June 2000 the Queensland Government received approval from the Commonwealth Attorney-General for its legislation providing for an alternative to the Right to Negotiate on pastoral leases and for a State Right to Negotiate regime for vacant Crown land. However, on 8 June 2000 the Australian Democrats gave notice of a disallowance motion in the Senate, to be voted on in the new financial year. ATSIC advised the Government and other parties in the Parliament that it opposed the Queensland legislation.

The Queensland State Advisory Committee has encouraged Indigenous representation in policy formulation and negotiations in Queensland by setting up its own policy groups such as the Land and Sea Policy Group (LSPG), comprising two Commissioners and three Regional Council Chairpersons. The role of the LSPG is, among other things, to assist in the realisation and protection of native title and establish working groups to examine issues and monitor developments. A fundamental issue for the LSPG is that any group it sets up must keep traditional owners at the community level informed of issues being negotiated.

During 1999-2000, native title funds totalling $636 308 were provided through the Queensland State Office to support native title initiatives of the Queensland Indigenous Working Group (QIWG), one of the working groups established by the LSPG. QIWG comprises the chairs of all Queensland Regional Councils, the Aboriginal Coordinating Council, the Islander Coordinating Council and all Queensland NTRBs. During the year it played an active, effective and visible advocacy role on key issues and concerns of Indigenous Queenslanders.

The QIWG held discussions with the Queensland Government over that State's native title legislation. These discussions influenced the final shape of most of the legislation, although there were many aspects that remained unsatisfactory.

Other QIWG successes include:
- finalising a 'protocol and procedures' document with the Queensland Government in August 1999, which commits both parties to a process and procedure of consultation on major policy and legislative issues affecting Indigenous Queenslanders, including native title, land management, resources and cultural heritage. The protocol requires the State Government to have due regard to the representative mandate of those parties forming the QIWG;
- negotiating on the backlog of exploration and mining applications on native title land to the stage where a second draft of the Indigenous Land Use Agreement (ILUA) has been circulated for comment;
- using the consultation protocol to circulate a major submission to the review of the Cultural Records Act;

- developing policy in the area of national parks and native title by assisting the local groups identified by the Queensland Government as 'case studies', negotiating with the Government and making representations to key bureaucrats and politicians; and
- continuing dialogue with the Director of the newly-created Environmental Protection Agency to ensure Indigenous positions established during 1998 are protected and promoted.

Another group, the Sea Forum, comprises traditional owners from Cooktown to Fraser Island. It has circulated a major discussion paper to the State Government and the Great Barrier Reef Marine Park Authority (GBRMPA). The latter has indicated its willingness to start negotiations on a Regional Framework Agreement. The State Government, ATSIC and the GBRMPA are preparing a costed co-management strategy for the Great Barrier Reef Marine Park.

The Land and Sea Policy Group has commenced discussions with the Cape York Land Council and traditional owners to establish similar forums for protection of interests in the sea in the northern area of the GBRMPA and Gulf of Carpentaria.

The Mining Reference Group, a subset of the QIWG, has been involved in negotiating to a satisfactory conclusion the establishment of a Land and Resources Tribunal to take the place of the mining warden system and negotiating other amendments to the mining legislation dealing with environmental issues.

These groups have also kept Indigenous interests at the forefront in such resource-management advisory groups as:

- the strategic planning process for the Great Artesian Basin through membership on its Consultative Council and Advisory Committee;
- the Fisheries Industry Development Council;
- the Great Barrier Reef Marine Park Authority Policy Committee and Representative Areas Program; and
- the Commercial Fishing in National Parks Working Group.

Western Australia
After some delay, the Western Australian Government got its *Native Title (State Provisions) Act 1999* through Parliament and finally assented to on 10 January 2000. The Act contains a comprehensive State native title regime including a State arbitral body to be called the Native Title Commission of Western Australia, a State Right to Negotiate regime for vacant Crown land, and an alternative to the Right to Negotiate on pastoral leases.

The Western Australian Government has initially sought the approval of the Commonwealth Attorney-General for its scheme to replace the Right to Negotiate on pastoral leases. The NTA requires the Commonwealth Attorney-General to consult with relevant NTRBs before giving approval.

During 1999-2000, the Western Australian State Office provided support totalling $475 000 to the Western Australian Aboriginal Native Title Working Group (WAANTWG)—initially through the Aboriginal Legal Service of WA and later through the Yamatji Land and Sea Council—and to the Registration Test Support Team.

Western Australian has the greatest number of native title claims and the new registration test required considerable research and documentation to be compiled in respect of each claim. At the request of the WAANTWG, ATSIC engaged a team of lawyers to assist NTRBs and claimants to meet the requirements of the test. The support team facilitated the amalgamation of many overlapping claims, particularly in the Goldfields, and enabled many other claims to meet the requirements of the registration test.

Throughout 1999-2000 the WAANTWG was involved in discussions with industry and government to facilitate improved outcomes for native title claimants in the State. It developed detailed formal submissions to the Western Australian Government aimed at improving the proposed State native title regime, although the Government has refused to discuss its legislation with the WAAWGNT.
In December 1999 the group launched a policy document *Reaching Agreement*, which promotes an agreement-based approach to advancing native title in a positive and cooperative way.

South Australia
In South Australia there is already a State-based Right to Negotiate regime approved under the Native Title Act prior to the 1998 amendments. A Bill to make this regime more consistent with the more restrictive Right to Negotiate in the amended Native Title Act was still before the South Australian Parliament at year end.

The ATSIC Adelaide Office mobilised the South Australian Native Title Steering Committee (SANTSC) to ensure there was a coordinated Aboriginal response to proposed legislation by the Government. Alternative options to the legislation were developed and put to all parties. The SANTSC membership comprises the Commissioner, three Regional Council Chairpersons and representatives from the three NTRBs.

ATSIC's elected arm in South Australia developed strategic alliances with key non-government, church and community groups in their opposition to the State Government's proposed legislative changes.

New South Wales
The State Government passed legislation that came into force on 30 September 1998, the date the amended Native Title Act commenced. It covered validation and confirmation of extinguishment but also exclusions from the Right to Negotiate for opal mining and for low-impact exploration acts and several other matters. This year the State Government applied for and obtained Commonwealth approval for two opal mining areas at Lightning Ridge to be excluded from the Right to Negotiate, the first Commonwealth approval to survive the disallowance process and the Senate. The Government has also applied for approval of its low-impact exploration exception to the Right to Negotiate, but that has not yet been dealt with by the Attorney-General.

Victoria
The policy of the previous Victorian Government not to proceed with any further complementary native title legislation has been continued by the new Labor Government. The Government is now pursuing a State-wide framework agreement with the NTRB and ATSIC. A Victorian Indigenous Working Group has been active in making representations to the Government.

ACT
The ACT Government introduced a validation and confirmation of extinguishment Bill in March 1999, but this has not yet been debated.

Tasmania
The Tasmanian Government is not actively considering native title legislation in response to the amended Native Title Act. It will only consider validation and confirmation of extinguishment legislation if there is a need to in the future.

In September 1999 the ATSIC State Office facilitated the first National Indigenous Sea Rights Conference. The conference, held in Hobart, brought together leading international and Australian speakers. It stressed the inherent rights of Indigenous people to control and manage the use and occupation of the sea, coastline and inland waters and their resources. A conference statement was unanimously supported, promoting agreed core principles. Of particular note was the call for marine management agreements to form the basis of uniform national negotiated outcomes. The Tasmanian Commissioner in his role on the National Oceans Advisory Group will promote many of the action items arising from the conference.

Northern Territory
In March 2000 the Northern Territory Government announced it would not be pursuing its legislation to remove the Right to Negotiate on pastoral leases following the Senate's disallowance of its scheme in August 1999. This means the stronger procedural rights in the Right to Negotiate in the NTA will apply to mineral exploration and mining on pastoral leases in the Northern Territory.

ATSIC played a major role in this outcome. It actively promoted a better scheme than that developed by the Territory and then identified the deficiencies of the Territory scheme to the Government and Parliament.

International developments

In March 1999 the United Nations Committee on the Elimination of Racial Discrimination (CERD) made a decision under its early warning and urgent action procedures in respect of Australia's compliance with its obligations under the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD). The committee was concentrating particularly on the 1998 amendments to the Native Title Act.

CERD decided in March 1999 that the 1998 amendments might put Australia in breach of the ICERD and that specific provisions are discriminatory. Despite considerable argument and pressure from Australia, CERD has maintained its decision throughout 1999 and 2000.

The CERD noted in particular four specific provisions that discriminate against Indigenous title holders. These were the 'validation' provisions, the 'confirmation of extinguishment' provisions, the primary production upgrade provisions, and restrictions concerning the Right to Negotiate. It also noted the 'lack of effective participation by Indigenous communities in the formulation of the amendments'. The committee stressed the need to suspend implementation of the discriminatory amendments and to reopen negotiations with Indigenous representatives with a view to finding solutions acceptable to Indigenous people and consistent with Australia's obligations under the ICERD. ATSIC prepared two submissions to the committee during 1999-2000.

Research and public awareness

During the year ATSIC continued its involvement in a cooperative project with the Australian Local Government Association (ALGA) and National Native Title Tribunal. *Working with Native Title: A Guide for Local Government* is a manual developed by ALGA to assist local government councils to manage their native title responsibilities. The manual was launched in November 1999 and complements an earlier manual, also produced by ALGA, ATSIC and the NNTT, entitled *Working out Agreements*.

The latest manual recognises that local councils are at the frontline of the native title process because of their responsibilities as land managers. It promotes agreement making as the way forward. Agreements, by definition, involve the reconciliation of native title rights with the rights of others having an interest in land. ATSIC, the NNTT and the Attorney-General's Department are funding regional workshops to enable ALGA to explain how best to use the manual.

Future directions

Priority activities relating to native title in 2000-01 will include:
- finalising the assessments of NTRBs under the amended Native Title Act;
- providing comprehensive policy advice to Government on changes to the Prescribed Body Corporate regulations; and
- improving the overall performance and accountability of NTRBs in line with the statutory requirements of the NTA.

The existing Native Title and Land Rights Branch has been reformed to establish a new Native Title and Land Rights Centre, to implement the amendments to the NTA. The Centre will have operation units in the following locations:

Darwin	• Centre Management
	• Land Rights Legislation & Program Unit
Canberra	• Native Title and Land Rights Policy Unit
Brisbane/ Perth	• Native Title Legislation & Program Unit

Land rights

Objective

The *Aboriginal Land Rights (Northern Territory) Act 1976* allows claims over unalienated Crown land and certain other lands to be lodged with the Aboriginal Land Commissioner. The land commissioner inquires into these to make a finding about traditional ownership and report his findings to the Minister. The Aboriginal Land Commissioner is required to be a Federal Court Judge or a Judge of the Supreme Court of the Northern Territory. ATSIC supports the Office of the Aboriginal Land Commissioner under a cost sharing arrangement with the Federal Court.

Amount of land granted under Commonwealth land rights legislation

The Land Rights Act has been very effective in granting traditional Aboriginal land in the Northern Territory for the benefit of Aboriginal people and in recognising traditional Aboriginal interests in, and relationships with land. During 1999-2000, seven parcels of land, comprising over 1,258,994 ha, were handed back to traditional owners. No further grants were made under other Commonwealth legislation.

ATSIC continued to administer the *Aboriginal Land Rights (Northern Territory) Act 1976* with a view to hastening settlement of all outstanding claims. The Land Rights Act has been amended to prevent any claims submitted after 5 June 1997 from being heard by the Aboriginal Land Commissioner. Claims submitted before that date continue to be heard to the extent required in the absence of agreement between parties. Out of 249 claims lodged since the Land Rights Act commenced, 116 outstanding land and water claims remained at the end of 1999-2000.

ATSIC has encouraged interested parties to negotiate agreements on outstanding land claims to reduce the need for inquiry and report by the Aboriginal Land Commissioner.

Aboriginals Benefit Account

Subsection 62(1) of the Land Rights Act establishes the Aboriginals Benefit Account (ABA) to receive and distribute mining royalty equivalent funds derived from mining on Aboriginal land. The ABA was previously known as the Aboriginals Benefit Reserve (ABR) and Aboriginals Benefit Trust Account (ABTA). ATSIC has responsibility for the management of, and for the development of policies relevant to, the ABA.

Future directions

The priorities in 2000-01 will be to:

- settle as many Northern Territory and Jervis Bay Territory land claims as possible;
- develop and finalise the land rights and claims integrated technology system to assist in the streamlined processing of each complex legislative and policy step in the granting of Aboriginal land;

- facilitate further discussions and negotiations with the Government concerning legislative changes in response to the reviews of the Land Rights Act and the HORSCATSIA inquiry.

Under the ATSIC 2000 Restructure, the Land Rights Program Responsibility Centre has been relocated from Canberra to Darwin.

Regional Land Fund

Objective

Section 68 of the *Aboriginal and Torres Strait Islander Commission Act* 1989 establishes the Regional Land Fund (RLF). It allows Regional Councils to make allocations from their annual discretionary budgets for future land purchases within their region. Payments into the RLF are retained and accumulated from year to year until withdrawn for land-acquisition purposes by the relevant Regional Council. Deposits to and withdrawals from the Regional Land Fund are the responsibility of Regional Councils, in accordance with their priorities. Administration is by Commercial Branch and Regional Offices.

Initiatives

During 1999-2000, six properties were purchased with Regional Land Funds.

The properties purchased were:
- a community education and employment centre;
- a CDEP administration building;
- two community service facilities;
- a pastoral property; and
- a block of land to build a community complex.

The balance of the Regional Land Fund at 1 July 2000 was $10 580 717. During 1999-2000 Regional Councils deposited an additional $1 201 173 and the fund earned $530 576 in interest. There was $1 093 002 withdrawn to fund the above purchases.

A compliance audit of the Regional Land Fund commenced during this year is nearing completion. Preliminary findings are that:

- over 45 separate properties have been purchased since the inception of the RLF;
- total expenditure on these properties has been over $3m;
- total area purchased exceeds 6700 hectares; and
- more than 80 per cent of the purchases were for economic or economic and social purposes.

Future directions

Consultations will be undertaken with Regional Councils to explain the findings and recommendations of a Regional Land Fund performance review undertaken by the Office of Evaluation and Audit and to seek Regional Council input into the future policy dimensions of the Regional Land Fund.

Languages

Objective

The Aboriginal and Torres Strait Islander Languages Initiatives Program (ATSILIP) supports community-based initiatives and community education activities.

ATSILIP principally funds the operational costs of Regional Aboriginal Language Centres and Regional Aboriginal Language Management Committees. The committees are responsible for developing and prioritising language projects in consultation with local communities. Language centres provide a base for the collection of information on local languages and provide a platform for community-based language projects.

Background

The Language Program supports the retrieval, preservation and revival of Aboriginal languages and Torres Strait Islander languages in contemporary contexts. It is estimated that as many as 250 separate Indigenous languages were spoken in 1788. Most of these languages are no longer used as community vernaculars. However, communities still own and identify with these languages. They cannot be considered to be dead while ever they are identified with as essential components of the cultural identity of communities.

Most Australian Indigenous languages can be revitalised as there is sufficient information within communities and in archival deposits (particularly the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)), available technical expertise and enthusiasm within communities to develop long term revitalisation and maintenance projects.

Currently the only barrier to such projects is the low level of funding available to initiate and maintain such projects.

The ATSIC Board regards language maintenance and revitalisation as vital initiatives in the promotion of Indigenous cultural authority.

ATSIC also funds a national peak body, the Aboriginal and Torres Strait Islander Corporation of Languages—generally known by its former acronym 'FATSIL'—to advise the Commission and others on language issues and produce a national quarterly Indigenous newsletter, entitled *Our Voices are the Voice of the Land*.

Budget

In 2000/2001 the budget for the Languages program was:

National	$6,454,000*
Multi-Regional	$ 247,000
Regional Council Discretionary	$ 646,000
Program Support	$ 100,000

*This total includes an additional $3 million as part of the Language Access Initiatives Program (LAIP). The ATSIC Board allocated a total of $9 million over three financial years, beginning 1999/2000, towards language maintenance and revival activities. This was in response to recommendations 12a and b of the Human Rights and Equal Opportunity Commission's *Bringing Them Home* Report. In order to address the above recommendations a new program was developed called the Language Access Initiatives Program (LAIP). LAIP aims to improve the knowledge base for languages with few speakers, assisting those Indigenous peoples who suffered cultural loss due to past removal policies. LAIP identified five priority areas for funding, including endangered languages, publications and archive development and management. To date this program has supported 51 community based projects covering a diverse range of language initiatives throughout 26 regions in Australia.

Most Indigenous language centres and regional language organisations in Australia rely for their survival on funds from ATSIC. No other Commonwealth, State or Territory Programs target Indigenous languages in communities as specifically as this program. These centres are the future for the revitalisation of threatened languages.

Initiatives

Language initiatives are being conducted in the following regions:

- Lismore, Bourke, Wagga Wagga, Sydney, Tamworth Bourke, Queanbeyan
- Melbourne
- Brisbane, Rockhampton, Townsville, Cairns
- Perth, South Hedland, Kalgoorlie, Geraldton, Kununurra, Broome
- Hobart
- Darwin, Katherine, Tennant Creek, Nhulunbuy, Alice Springs
- Adelaide

LAIP has boosted community projects that are already running and created scope for new initiatives. For example, the fledging Gamilaraay language projects in Walgett, Boggabilla, Toomelah and Goodooga in New South Wales and Queensland have obtained funds to produce dictionaries and other language materials and run regional workshops to engage communities in language work. Many of the projects initiated by LAIP grants have the potential to expand and provide incentives in communities for language maintenance and revitalisation projects.

Communities do not need to be remote to benefit from a language centre as the people at Nambucca Heads, NSW have found through participation in the projects of the Muurrbay Aboriginal Language and Culture Centre. Muurrbay has helped people to salvage knowledge about the Gumbaynggirr language and initiate a very effective community revitalisation project. People who had little or no knowledge of Gumbaynggirr a few years ago are now able to converse comfortably in the language and to teach others. Muurrbaay, as do other centres, is providing people with accredited courses in language teaching to broaden the community skills base.

In Queensland ATSILIP funds five Regional Language Management Committees and a coordinator. These committees provide assistance, advice and funding to

communities to help them run local language projects. This is another successful approach to servicing community language needs that does not require a formal language centre.

Another example was the publication of *Ardiyooloon Bardi Ngaanka: One Arm Point Bardi Dictionary* by the Kimberley Language Resource Centre. The dictionary contains Bardi place names, grammar, maps, drawings and historical photographs, including terms for concepts associated with the sea, specialist words for food collecting seasons and for the emblematic turtle and dugong. It was launched at One Arm Point community in December 1999 and at the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, in February 2000.

There are benefits to be gained in all urban dwelling areas as well as remote communities. The ATSIC programs have provided a basis for many communities in Australia to preserve, revitalise and strengthen their use of Indigenous languages. The programs are very small in comparison with the needs expressed by Indigenous people across Australia for resources to undertake language projects. There have been big returns for the small investment, but a larger Commonwealth investment in Indigenous languages would turn the tide for many communities who are struggling to retain language knowledge and increase language use.

In all cases where Indigenous language centres exist in urban centres, they are primarily owned and controlled by Indigenous Australians. Local control provides the owners with the ability to ensure language initiatives are relevant and appropriate for their community needs. Regional language management committees comprising of relevant Indigenous representatives and community meetings ensure the involvement of Indigenous peoples in decision making processes.

The extent to which the language involvement can increase youth participation is hampered by the limited budget. Should additional funding become available there would be scope to work with State and Territory Governments and education departments to develop and implement Indigenous languages initiatives into schools, at a greater level than currently available.

The language programs also enhance the outcomes of other program areas, for example, broadcasting. Partnerships between language centres and radio stations are providing another venue for language maintenance and revitalisation in communities. For example, Muda Aboriginal Corporation at Bourke has a language centre funded through ATSILIP that is working on Yandruwantha and its associated radio station 2CUZ FM regularly broadcasts a teaching slot and slogans in the language.

The forthcoming State of the Environment Report 2001, being coordinated by Environment Australia will contain a study 'State of Indigenous Languages'. This work being undertaken by Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATIS) is expected to highlight that without continuing and expanding government support for language initiatives only a fraction of the current languages will be spoken by the year 2024.

Language & Culture

Language is at the very core of cultural identity. It links people to their land (country), it protects their history through story and song, it holds the key to kinship systems and to the intricacies of tribal law including spirituality, secret/ sacred objects and rites. Language is a major factor in people retaining their cultural identity and many say, "if the Language is strong, then Culture is strong".

Language and culture stand together as the pillars supporting the intrinsic sense of identity and membership of any race of people

Education

Indigenous languages in the education system are a mixed bag. There was recognition in Australia of the rights of Indigenous languages and the need for support for them in the 1980's – 90s in a number of reports by the Federal Government and international bodies. This was not reflected in any legislation however, guaranteeing either rights or secure funding.

There have been significant new initiatives in the development of curriculum and programs for Indigenous languages in the last few years. These have targeted mainly primary and secondary schooling. New programs have been set up in South Australia and Western Australia. In Victoria, the Language Centre is producing CD-Roms for distribution to schools and similarly in the Torres Strait, a language kit has been produced which includes CD-Rom, video and instruction tapes. In Alice Springs, Northern Territory, years 7 and 8 language programs are available as LOTE programs.

In NSW there is an attempt to develop a structured way to teach Indigenous Languages in school programs and a core task is to develop a syllabus from kindergarten to year twelve. The NSW Board of Studies has recently developed an interim framework for language teaching in the state (Board of Studies NSW 1998) which provides a valuable resource for anyone thinking of setting up a language program within the educational system. The Board of Studies has also published a report of six case studies of schools teaching Aboriginal languages, five of which are in NSW (Board of Studies 2000) which gives some idea of the richness and diversity of language teaching programs currently offered through the state.

In all, NSW Dept. of Education and Training (DET) funds twelve schools teaching seven languages across the state. At Wilcannia Central School 100 hours of instruction in Paakantyi is offered through the Languages Other than English Program (LOTE) for Years 7 and 8. In Bourke 100 hours of instruction in Yandruwandha was conducted for Year 8 in 1999 through LOTE. Several languages have been taught at Brewarrina Central School substantially funded by ATSIC from ATSILIP. There is also a proposal to offer Ngiyampaa classes under a program to be funded by DET. Post school education in Aboriginal languages in NSW should be seen as integral to the process of language reclamation. It is essential that adults regain their languages at the same time as children. Otherwise children will not receive reinforcement of what they have learnt outside the home. One possibility for adult training in NSW

Aboriginal languages is through the TAFE sector. This has happened at a number of TAFE colleges in the state (Coonabarabran, Macksville and Walgett, for example). There are substantial opportunities for developing partnerships with the educational sector for language teaching work.

However on the negative side, there has been a substantial winding back of Bilingual Education programs in South Australia and more recently the Northern Territory. This program was established in 1974 in the Aboriginal Schools in the NT where Indigenous peoples make up 29% of the population.

As suggested by the title of the program, both languages work side by side according to the developmental stage of the student and proven first and second language acquisition methodologies. Bilingual education programs emphasise a gradual transition to english that provides students with continuity in their cognitive growth and lays the foundation for academic success in the second language[xxv].

Some experts say that establishment of the bilingual language program was the single most important move made in support of Indigenous languages in Australia and the loss of this program is a severe blow. This change has been brought about because education networks have long recognised that the higher the degree of proficiency with oral and written Standard Australian English, the higher the likelihood of success within mainstream society. DETYA has therefore refocussed attention on literacy for Indigenous students. There is no national impetus to address needs for Indigenous adults.

Interpreter Services

The need for interpreter services was one of the recommendations of the RCIADIC report. The Royal Commission provided funding to the Department of Attorney-Generals between 1992/93 and 1996/97 for the establishment of an Aboriginal and Torres Strait Islander Interpreter Accrediting Program and Interpreters in Indigenous languages in the courts. The pilots have not been followed up with implementation of an interpreter service. DIMA's Translation and Interpretation Service provides both the model and the mechanism for such services to Aboriginal peoples and Torres Strait Islanders.

DIMA's Translating and Interpreting Service (TIS) does not include provision for Aboriginal and Torres Strait Islander languages. Serious consideration needs to be given to the inclusion of Indigenous languages in this service – based on need.

There is a serious need is for interpreter services for Aboriginal peoples and Torres Strait Islanders particularly because of their high level of contact with the legal and criminal justice systems within this nation. There is enough evidence accumulated by language theorists over the last two decades to demonstrate serious consideration also needs to be given to the need for interpreter services where the clients speak forms of English other than Standard Australian English such as pidgins, creoles and Aboriginal English.

Some language centres such as Alice Springs provide an interpreter service to work with police, legal aid government bodies and the courts but are not recognised for

funding by Federal Departments. Recently the NT Government and the Commonwealth announced they would jointly fund an Aboriginal interpreter service. $5 million per annum is to be provided over four years for a number of measures including diversionary programs for juveniles in the Northern Territory.

Strengths and Opportunities

- The majority of Indigenous people consider language as very important.
- They say if you have Strong Language you have Strong Culture.
- Indigenous peoples can put importance on language maintenance above housing and infrastructure.
- Language "completes culture".
- Young people are taught about their culture and therefore have better self esteem.
- Indigenous people want to maintain and relearn about their language as a symbol of identity and culture.
- "Cultural camps" have been organised in some areas to teach people about their language and culture, especially young people.
- Cultural Centres provide a focus for cultural maintenance, including languages and can provide an economic outcome.
- Bilingual education provides an important link to maintaining Indigenous languages in some areas.
- Indigenous language and Indigenous broadcasters are intrinsically linked in major urban areas to promote and maintain language.
- Employment prospects can be increased for Indigenous language speakers such as in broadcasting, interpreting and other fields.
- Cultural and language centres provide a focal point in the community for Indigenous peoples to practise and maintain all aspects of their culture.
- "Language retention has important benefits for Indigenous communities in terms of self esteem, preservation of cultural identity and greater community cohesion." (Recognition, Rights and Reform. p120)

Threats

- Indigenous language maintenance is chronically under-funded as is funding for cultural maintenance in general.
- Young people are influenced by negative aspects of mainstream culture such as television and radio causing "Americanisation" of the youth culture.
- People are devastated by substance abuse causing loss of culture.
- Language and cultural centres do not have sufficient resources to move with the times such as e-commerce, internet access and networking.
- Young people have lost respect for "elders" because of lack of cultural maintenance, with the subsequent breakdown of discipline.
- A distinct lack of services to Torres Strait Islanders living on the mainland.
- There has been limited recognition on the part of governments of the importance of Indigenous languages.
- There is no formal interpreting and translating service for Indigenous languages which impacts on access and equity to a range of government services such as health, education, social security and the justice system.
- The Northern Territory Government has recently ceased funding to bilingual education programs in the NT schools.

Conclusion

Indigenous Languages are at the very core of cultural identity!

Most Indigenous language centres and regional language organisations in Australia rely for their survival on funds from ATSIC. No other Commonwealth, State or Territory Programs target Indigenous languages in communities as specifically as this program. These centres are the future for the revitalisation of threatened languages. There needs to be recognition from governments and legislation as necessary to further the recognition, funding and revival of Indigenous languages in the wider community. A larger commitment from government agencies could "turn the tide" for many communities.

Where Indigenous language services are available, there is a more effective aspect to delivery of education, health, and social services for urban dwelling Aboriginal peoples and Torres Strait Islanders. This has a direct impact on the cultural identity of Indigenous peoples, especially youth, with a consequential impact on a range of social issues.

Indigenous languages have a direct bearing on the education of Indigenous youth and the need is there for the recognition of the benefits of bi-lingual education. There is no doubt that Standard Australian English is paramount for Indigenous youth to gain a good education, however, this can be complimented by Indigenous languages helping to maintain culture and therefore self esteem. This leads to greater confidence and subsequent greater academic achievement. Indigenous languages need to be part of the wider schools curriculum.

Language programs are instrumental in enhancing outcomes of other culture related programs, such as broadcasting, heritage, environment and the arts. It is essential that these relationships are continued, especially in urban communities to enhance and maintain the social fabric and cultural well-being of Indigenous peoples, especially youth.

The need for interpreter services was one of the recommendations of the RCIADIC report and although some language centres are providing a limited service there is no doubt that a mainstream interpreter and translating service is required. The most serious need for this service is evident in the legal and criminal justice system because of the disproportional representation of Indigenous peoples in courts and goals.

There is an overwhelming need for the Commonwealth, State and Territory Governments to recognise the essential needs of urban dwelling Indigenous peoples of all ages to be able to access Indigenous language retrieval, maintenance and revival. This need goes to the very heart of maintaining Indigenous cultural authority consequently addressing some of the existing social problems in urban areas. ATSIC as a supplementary funding body does not have the additional funding resources to divert from other programs.

Link-Up

Objective

The Link-Up Program provides funding to Indigenous family tracing and reunion (Link-Up) services across Australia to assist Aboriginal peoples and Torres Strait Islanders separated from their families due to the past laws, policies and practices of Australian Governments.

In the five (5) years prior to the *Bringing them home* report ATSIC provided approximately $1.0 million to fund two Link-Up services, one in New South Wales the other in Queensland.

As part of its response to the *Bringing them home* Report[xxvi], the Commonwealth Government in December 1997 announced a $11.25 million package to establish, over four year years, a national network of Indigenous family tracing and reunion services (Link-Up) in each State and the Northern Territory. As at 30 June 2000 approximately $5.5 million of these funds had been expended.

Commonwealth Funding

The $11.25 million Commonwealth package provides funds for a single service in each State and two in the Northern Territory. In Western Australia there is a collaborative model being developed between ATSIC and the WA Government to provide a state-wide service.

It is Commonwealth Government policy that the establishment and/or enhancement of the National Link-Up Network, in particular matters relating to regionally based services, is the province of the relevant State and/or Territory Governments. How this will be achieved is an issue of concern as neither State and Territory Governments, in their response to the *Bringing them home* Report have provided additional funding for family tracing and reunion initiatives, with the exception of WA.

Link-Up Program

The Link-Up Program provides funding to Indigenous family tracing and reunion (Link-Up) services across Australia to assist Aboriginal peoples and Torres Strait Islanders separated from their families due to the past laws, policies and practices of Australian Governments.

The Link-Up organisations provide a range of services to Aboriginal and Torres Strait Islander peoples, including:

- Cultural information and awareness

- Support and guidance through the tracing and reunion process

- The development of links to family, country and community

- Support and counselling before a decision to proceed with a reunion is made and counselling for all parties during and after the event, this includes grief and loss counselling and relationship building.

- The provision of a support network and "community" for those people unable to be reunited with their heritage, language, family, country and community

Maintenance of Aboriginal cultures and Torres Strait Islander culture in urban areas

A key recommendation of the *Bringing them home* Report, was the recognition of Link-Up services as "communities". Such recognition would allow the organisations to provide "Certificates of Aboriginality" for those clients who, for many reasons are unable to return to home and country. As more time passes since the date of actual removals, many people seeking assistance from Link-Up services will be unable to be reunited with family and country. The lack of records is also an inhibiting factor in this process. This is particularly true for those people who are second, third or fourth generation removed from the person who was directly affected by the past laws, policies and practices of Australian Governments. By recognising Link-Ups as discrete communities, many people otherwise unable to return "home" will be offered the opportunity to become involved in many aspects of Aboriginal and Torres Strait Islander culture, heritage and community.

The Link-Up services provide clients with links to other key Indigenous community organisations, particularly in urban areas, to assist them in gaining knowledge and understanding of their cultural heritage and history. They also facilitate the acceptance of their client within their local Aboriginal and or Torres Strait Islander community whenever possible.

Broadcasting

Objective

- Access for Aboriginal and Torres Strait Islander people, particularly in remote areas, to the range of broadcasting and communication services available to Australian citizens generally.

- Promotion and reinforcement, through broadcasting and communications, of the cultural identity of Aboriginal and Torres Strait Islander people, and the fostering of general community awareness.

- Advocacy of broadcasting interests through a national framework.

Budget

The ATSIC Broadcasting Program reflects all ATSIC goals and is a prime instrument for educating Indigenous Australians on rights; funding education awareness and supports language maintenance and promotion.

The 2000/2001 budget for Broadcasting is:

$1,559,000 for Multi-Regional
$4,536,000 for National
$6,409,000 for Regional Councils
$100,000 for Program Support

Urban-based Indigenous radio stations exist in the following communities:

- Brisbane
- Bourke
- Taree
- Rockhampton
- Townsville
- Cairns
- Mount Isa
- Alice Springs
- Darwin
- Halls Creek
- Kununnura
- Fitzroy Crossing
- Broome
- Perth

A strategy is currently being developed between ATSIC and the National Indigenous Media Association of Australia (NIMAA) to develop more Indigenous owned and controlled radio stations in areas which have been identified as appropriate locations for such stations. Such locations include:

- Kalgoorlie
- Wagga Wagga
- Melbourne

- Adelaide
- Kempsey
- Bendigo

Background

The Australian Broadcasting Authority has indicated they are prepared to work in partnership with ATSIC and NIMAA to achieve new Indigenous radio services.

Radio is seen as a significant cultural and economic resource for Indigenous communities in urban Australia and as part of the platform for self-efficient economic activity.

Indigenous radio services provide a first level of service to Indigenous people, broadcasting information and entertainment, facilitating networks and skills development and providing access to local languages. Indigenous radio is the 'mainstream' medium for many communities.

In some urban-based centres, Indigenous groups are active in the production of programs on mainstream community radio stations. Not all such groups seek ATSIC funds.

The development of new radio services will provide employment opportunities for Indigenous people in urban centres and will further support in the promotion of health, legal, family violence, and land rights issues.

There is strong support for a separate Indigenous media sector, to offer choice to both Indigenous and non-indigenous listeners. The social benefits of broadcasting services for urban-based Indigenous Australians include:

- Community building
- Preservation of language
- Sharing of information
- Communication between different regions via network
- Access to broadcasting
- Provision of alternative perspectives on news and current affairs
- Participation in the development of Indigenous communities
- Contributing to the well-being of Indigenous communities.

It has been demonstrated in the urban-based Indigenous radio stations that most persons who work within program production possess a high level of competency in the use of new technology and studio equipment.

Indigenous radio stations have the potential to realise the cultural capital that Indigenous peoples should enjoy in contemporary Australia. This includes commercialisation of media production, training, multimedia enterprises, and servicing tourism.

The local ATSIC Regional Council funds most existing urban-based Indigenous radio stations.

Involvement in decision making

In all cases where Indigenous radio stations exist in urban centres, they are owned and controlled by Indigenous Australians. Such control provides the owners with the ability to ensure programming content is relevant and appropriate for their market.

Urban-based Indigenous radio stations are largely supported by ATSIC, but in most cases their income is supplemented by local sponsorship revenue, but the amounts achievable are affected by market size. Although an Indigenous community station in a regional city can make up to $160,000 per annum in sponsorship, most Indigenous regional broadcasting services manage to generate less than $500 per annum.

Current alternative sources of funding for Indigenous radio stations is restricted under the Broadcasting Services Act which restricts the delivery of sponsorship announcements in wording and in the number of messages to be broadcast each hour. Indigenous radio stations would possess more self-sufficiency if these restricted were eliminated.

The price-based auction process for commercial broadcasting licences in Australia has meant that some Indigenous groups have been denied the ability to participate commercially in radio broadcasting. Not all such groups have the up-front capital to enable them to compete for commercial licences. Planning that limits the number of commercial licences in a given area has also worked to impede the emergence of commercially-run Indigenous stations.

As a result, many have had to apply for commercial licences – licences that have heavy regulatory restrictions imposed upon them. Community broadcasting licences are defined by their not-for-profit status and are funded by subscription, sponsorship, donations and government support. Although such limitations may be suitable for non-indigenous community radio services, there is no adequate reason to restrict the ability of Indigenous media to raise funds through commercial advertising.

Indigenous radio has grown up in a subsidised, dependent environment as a community service. This is despite the fact that Indigenous media provide a first level of service for Indigenous communities, unlike community broadcasting for metropolitan non-indigenous audiences, for whom it is an alternative, or an addition, to other media. Indigenous radio services have been forced to compete with other community broadcasting organisations for licences, with no guarantee of spectrum.

The Productivity Commission Inquiry into Broadcasting has recommended the creation of an Indigenous category of broadcasting licence. If this recommendation is implemented, the process should be simplified in gaining new radio stations.

The situation and needs of young people

Urban-based Indigenous radio stations provide opportunities to Indigenous young people to gain skills which may assist them in gaining careers in commercial media, the ABC, SBS, or in the recording industry.

In many cases the engagement of Indigenous young people at Indigenous radio stations is funded through CDEP with a view towards creating a possible career with specific broadcasters. In most cases, they must move into the mainstream environment because it is not possible to provide 'salary top-up' to provide a real wage to participants.

Indigenous radio stations act as a primary instrument in the delivery of information relating to health, education, employment and homelessness, but a need exists for Indigenous radio stations in areas where no such stations exist to deliver such information.

There is strong support for a separate Indigenous media sector, to offer choice to both Indigenous and non-indigenous listeners. This is seen as more important than to specify the adequacy or inadequacies of the existing mainstream services. The social benefits of regional radio for Indigenous listeners include:

Regional broadcasting is seen by Indigenous people as a means to facilitate the free flow of information and to provide an alternative perspective on news and current affairs. According to Michael Meadows (Griffith University, Key Centre for Culture & Media Studies), audience surveys internationally have revealed 'that local media are the primary sources of information about Indigenous affairs for most native people'.

Indigenous media are vital in the promotion and protection of Aboriginal and Torres Straight Islander cultural identity, including language. It is estimated that in 1788 there were around two hundred Aboriginal languages in Australia, with numerous dialects. Of these two hundred, at least fifty are now extinct. Of the remaining, fewer than one hundred have more than one hundred speakers.

Print-literacy in Aboriginal and Torres Straight Islander communities is lower than the Australian average. Although little is printed in Indigenous languages, speakers of these languages are prepared to go on radio – this is consistent with their oral and visual communication traditions.

There are social benefits of Indigenous regional media for non-indigenous listeners, including information about different cultures and viewpoints. For instance, 4MobFM in Mt Isa 'attracts both Indigenous and non-indigenous audiences'; the Torres Strait Islander Media Association's 'audience of ten to twelve thousand is multicultural'; Warringarri Media in the Kimberleys, '80 percent of its audience is Aboriginal'.

Regional radio stations play an important part in the formation and maintenance of community for both Indigenous and non-indigenous Australians.

Participation in radio production is said to benefit young people by providing them with skills and entertainment.

> We've got about a dozen Aboriginal kids, aged from 10 to 14, and they come in from Monday to Thursday, 4-6pm each afternoon to present their program … We've got a social problem in town, our kids tend to be bored … the program takes them away from any temptation while they're here. We teach them all the principles of radio broadcasting, they do interviews for us, they interview the police, they talk about youth issues … it's working out excellent (Greg McKellar, Muda Aboriginal Corporation).

In Halls Creek, a daily music program run by a group of young Indigenous people called 'Young, Black and Deadly' has proven to be one of the most popular youth programs on the network (Sandy Dann, Puranyangu Rangka-Kerrem Media). 'Mary Geddardyu,' a character on Radio Goolarri who broadcasts three hours live on regional radio, has proven so popular that 'she' is now featuring in a six part series for SBS Television. The program, which discusses social economic and cultural issues, has developed a cult following.

> In Halls Creek after it's broadcast on Wednesday night the arrest rates and appearances in court the following day are well down. This fact was quoted by the judge and the Aboriginal Liaison Officer said that it was because everyone stays home and listens to Mary Geddardyu … And the judge asked why the show was not on every night. This show obviously saves a lot of lives (Kevin Fong, Goolarri Radio).

Radio serves regional communities, and particularly Indigenous citizens in regional areas, better than other media for a variety of reasons including cheapness, portability, and the fact that people with low levels of print-literacy can benefit from it. It is also consistent with the oral traditions of Indigenous communities.

> Indigenous television broadcasting 'would be wonderful', but in meantime, 'radio is more accessible, it's here now', and this makes it very important. Newspapers are 'no go, unless you're an employed person. They're not interested' (Barbara Jackson, Mid-North Coast Indigenous Broadcasters Association).

Future trends in radio broadcasting, including employment and career opportunities, in non-metropolitan Australia.

Broadcasting is a particularly attractive career for Indigenous Australians, and should be encouraged given the higher than average rates of unemployment in Indigenous communities. It suits Indigenous people because it is 'a talent based industry', one where cultural capital and oral traditions become immediately valuable.

> It's an oral tradition that is so much a part of our culture. We fit like hand in glove in this radio industry (Tiga Bayles, Brisbane Indigenous Media Association).

> I have to push them away … I've got a couple of people here voluntary, and they're in here every day, do a couple of hours of programs … I think when they get on the air, they feel that sense of freedom, to air their opinions about a lot of things, and they have control, more or less (Dennis Conlon, Central Queensland Aboriginal Corporation for the Media).

Employment extends beyond on-air presenters to include:

❑ the technical maintenance of infrastructure,
❑ training of producers and presenters,
❑ development and curation of cultural archives in sound and other media,
❑ enterprise management and entrepreneurial activity,
❑ content production,
❑ research and development,
❑ News-gathering provides further opportunities for employment, for instance the development of a network of reporters and 'stringers'.

Indigenous people trained in broadcasting skills in Indigenous regional radio stations demonstrably move on to develop career paths within the broadcasting industry.

> Working in the media provides 'vital transferable skills' for Indigenous workers – particularly communications skills – which will enable them to 'get any job [they] want' (Barbara Jackson, Mid North Coast Indigenous Broadcasters Association).

Despite such movement, regional depopulation is not considered as significant an issue for Indigenous workers as for non-indigenous. Indigenous media personnel are more likely to stay in their home region, or return to their home region, rather than moving permanently to metropolitan areas for work.

Careers in broadcasting are seen as attractive to many young Indigenous people, given the limitations of employment in many regional areas. Radio broadcasting brings people into contact with information technology. However, the attraction will not be sustainable without a career path supported by award rates and suitable training. Training in news production would enhance the design/format of Indigenous broadcasting, and lead to more employment. Likewise, there is need for writers and producers to develop good Indigenous intellectual property.

In order to encourage Indigenous regional radio stations to move towards greater self-sufficiency it will be necessary to put in place sales and marketing training. Several of the workers at Indigenous radio stations interviewed for this submission mentioned that sales of sponsorship are a big issue, and they are either employing sales representatives, training up other staff in sales techniques, or attempting to learn such skills themselves.

Employment in the radio industry should not be seen in isolation for Indigenous people who typically work across several sectors including broadcasting, training, film production, ceremony and community leadership. However, radio is seen as playing a leading role in establishing a properly resourced employment infrastructure, for example by means of the Indigenous Media Industrial Award (1995).

Indigenous media are at the forefront of best practice in flexible employment, including freelancing, multi-skilling, job share and flexible hours. Working conditions have been developed that are culturally suitable for Indigenous people, but they can also provide a model for the workforce more generally as working practices are adapted for the emerging 'network society'.

Employment opportunities are not simply for training a workforce. They extend to the development and support of Indigenous wealth-creators in the creative media sector. Intellectual property in music and other aural performance could be a significant source of income for Indigenous creative enterprises.

Indigenous media associations in regional areas have proven capable of sourcing contract work, and thus developing the sector and creating employment in these areas. CAAMA has demonstrated that it has the expertise to take advantage of commercial video and record production opportunities

Just recently we had the contract for Seven Central … who gave us the opportunity to become their production facility. We've also been doing production work and news stories for Imparja (Terry Lees, Mt Isa Aboriginal Media Association).
Indigenous regional radio stations have more Australian content than any other single media area in Australia (up to 75 percent Australian music in some cases). This support for local production helps to build a commercially-viable music industry in Australia.

The provision of broadcasting services to Indigenous Australians aims at promoting the recognition of the right for Aboriginal and Torres Strait Islanders to use and be educated in Indigenous languages; and in the promotion of rights, including the access to health, employment, educations and lands rights information.

Sport & Recreation

Objective

The sport and recreation component seeks to create opportunities for Aboriginal and Torres Strait Islander individuals, teams and communities to participate in recreation and sporting activities at all levels, both in the general community and within discrete Indigenous communities.

It is currently divided into National programs, Multi-regional projects, and Regional Council programs.

Background

The Indigenous Sport Program is based on the need to:

- develop community skills, infrastructure and initiatives, which contribute to the long term development of Indigenous sport and recreation;
- facilitate improved linkages between Indigenous communities and mainstream service providers including National Sporting Organisations (NSO's);
- coordinate activities, special initiatives and projects for the Indigenous people;
- provide quality advice to Indigenous and mainstream sport and recreation organisations regarding the increased access to more culturally appropriate services for Indigenous Australia;
- consult with the Indigenous community regularly concerning the direction of Indigenous sport and gain feedback and identify priorities fro future directions;

National Programs

The national program known as the Indigenous Sports Program (ISP) has two programs: the Young Persons Sport and Recreation Development Program (YPSRDP); and the National Sport and Recreation Program (NSRP).

Since 1996-1997, the ISP has been administered by the Australian Sports Commission (ASC) under a Memorandum of Understanding (MOU) with the Aboriginal and Torres Strait Islander Commission (ATSIC).

The MOU marked the creation of a new strategy to better coordinate all Indigenous sport initiatives at national level – under the management of the ISP. The negotiation of the MOU and the development of the ISP created a $16 million, four-year, national program, which expired on 30 June 2000. A new MOU was signed on 18 July 2000.

While the MOU has increased the benefits to Aboriginal and Torres Strait Islanders youth, most of its programs are aimed at the elite athletics. Under the 30 June 2000 MOU the ASC agreed to commit $100,000 for sports people competing at an international level, leaving $220,000 from ATSIC to be used for national level competitors.

Young Persons Sport and Recreation Development Program

The YPSRDP has four key aims:
- to increase Indigenous participation in sport and recreation
- to promote the positive role that recreation and sport plays in communities
- to encourage the development of sport and recreation within Indigenous communities
- to seek cooperative and collaborative contributions to the strategic planning of sport and recreation within Indigenous communities

The YPSRDP was developed jointly by ATSIC and the ASC in 1992 as part of the Federal Government's response to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC).

Under the YPSRDP, a network of up to 38 Aboriginal or Torres Strait Islander Sport and Recreation Development Officers (henceforth called ASRDOs) were employed to encourage young Indigenous people to participate in sport and recreation, ensure community access to recreation facilities and programs offered by State and local governments, and to improve the flow of information on sport and recreational activities.

National Sport and Recreation Program

The National Sport and Recreation Program (NSRP) is designed to assist in the development of Indigenous athletes, coaches, administrators and trainers. It aims to provide a pathway for Indigenous Australians to develop their sporting opportunities. Specifically, this national grants program aims to encourage and support Indigenous sport and development at the national level having regard to integration into mainstream sport.

In addition the ASC provides for other Indigenous programs including the Olympic Training Centre and National Scholarships, international events and national development camps, national conferences, carnivals, a mentoring scheme, a cross-cultural awareness training package, active Australia initiatives which reduce barriers to Indigenous sport participation, and employment and administration costs of staffing. In managing these programs, the ASC's key delivery agencies are national sporting organisations and state departments of sport/recreation.

Regional Sports Scholarship

A $300,000 Regional Sports Scholarships (RSS) program introduced in 1998-1999 provides scholarships for Indigenous athletes to achieve state level performance in all ASC-recognised sports.

ATSIC Regional Council Program

Funding for sport and recreation at the ATSIC Regional Council level is a competitive process vying with other areas of high identified need in the community. The level of funding approved by Regional Councils is not a direct reflection of the priority given to sport and recreation in different communities.

Examples of expenditure are: the Jabiru Regional Council – whose community members primarily live in remote areas – did not allocate any of its initial 1998-1999 discretionary funds for individual or team sporting grants. Instead the Council allocated all of its sport and recreation funding to infrastructure such as playground equipment. Whereas the Mt Isa Regional Council, whose area includes both rural and remote communities, allocates small grants for infrastructure in addition to the sport grants.

Regional Council programs are focused on improving access to facilities and equipment, increasing participation in recreational and sport programs, and increasing participation and accreditation in sports related activities to empower individuals and communities. Unlike the national programs where specific amounts are allocated to the NSRP and the YPSRDP, the Regional Councils show greater diversity in amounts spent on sport and recreational activities. In line with Indigenous self-determination, ATSIC does not specify how much should be spent on sport and recreation. Each Regional Council decides how much of its discretionary funding is directed to this component. The percentage may range from close to one hundred percent of discretionary funds to almost zero.

Regional Councils primarily fund activities at the community and regional level, including grants for individual athletes to attend regional sports tournaments. Other funded activities may include the construction of a facility such as a basketball court and/or sporting complex; provision of sporting equipment for individuals, teams and clubs; helping individuals and teams attend All Black carnivals, cultural festivals, youth sporting or cultural camps; funding state sport and recreation.

Funding

Overall, funding for sport and recreation has grown considerably in the last six years. From approximately $3.8 million in 1992-1993, ATSIC now contributes close to $9 million towards funding ASRDOs, equipment, competition fees, carnivals, cultural exchanges and the operation of multi-regional sporting organisations.

Australian Sports Commission Programs

The Australian Sports Commission is responsibility for management of both the YPSRDP and the NSRP . Funding for these programs is provided to the ASC by ATSIC under an MOU. The YPSRDP funds go directly to State Departments of Sport and for the employment of ASRDOs.

ATSIC Multi-Regional Projects

ATSIC multi-regional project funding supports sport and recreation programs that benefit young people in more than one State, Territory or Regional Council region. A key component of the program is the funding of two multi-regional sporting organisations: Victorian Aboriginal Youth Sport and Recreation Co-op Ltd (VAYS&R) and the South Australian Aboriginal Sport and Recreation Association (SAASRA). The funding of these two organisations comprises the largest component of each year's annual multi-regional sport and recreation funding. Both SAASRA & VAYS&R also receive funds from other sources to complete their annual budgets.

Sports carnivals

Some State Departments place more emphasis on offering sport and recreation programs at the community level as a way of better achieving outcomes for the funds allocated to sport and recreation as funding participants to attending sports carnivals were in their view expensive to fund.

There are divergent views of the value of carnivals. On the one hand such carnivals can be seen as annual events in the sporting calendar that encourage competition in a wide range of sports for both men and women. Carnival competitors are drawn from a wide range of communities that are not exclusively located in the region hosting the carnival. The benefits of intensive competition over a weekend are not limited to sport and the carnivals provide an opportunity for cultural affirmation. Host organisations responsible for the conduct of the carnivals receive specific allocations from the Regional Councils and if the costs associated with the carnival are greater than the allocation provided, the local community organisation are often placed in the position of subsidising the event from existing sport and recreation grants. This can disadvantage other applications vying for these grants.

Gender

On a national average sport and recreation funds are fairly evenly distributed between male and female athletes, with males receiving slightly higher numbers of grants and total funding each year.

In some regions, males dominated as recipients of NSRP grants. For example, over the past three years, only 28% of 39 Indigenous people in the Adelaide Regional Council area funded through NSRP were female. However, in the Perth Regional Council area in the last two years, 57% of the 54 recipients were female.

Age

The overwhelming majority of sport and recreation funding goes to Indigenous youth, in particular to Indigenous athletes under the age of 25. For example, in 1998-1999, Cairns Regional Council funded 152 individuals and 7 teams in 15 different sports. Of those 152, only 2 are known to be over the age of 24. In the same period, QEB Aboriginal Corporation in south west Queensland funded 105 individuals and 11 teams in 17 sports. Ten participants were over the age of 25 but the overwhelming majority, were youth, most aged between 15 and 24. The Alice Springs Regional Council's grants policy states that only Indigenous applicants aged between 10 and 18 are eligible. In SAASRA's 1998-1999 Community Grants Program funding, more than half the recipients were under the age of 15. Winnam Aboriginal and Torres Strait Islander Corporation, Brisbane however funded a wider range of ages, spreading its grants to include at least 4 participants aged over 55.

Disability

Disabled athletes do receive some funding but it is clear that they represent a very small proportion of overall funding. This may reflect a low incidence of disabled persons participating in sport in the Indigenous community and therefore points to a

need for additional studies to be undertaken to determine the incidence of disabled participation.

Recreation

It is often difficult to define recreation. The absence of a working definition appears to have impacted on recreation funding decisions. When individuals or groups within the community apply for funding for recreational activities, there are no clear guidelines to help funding bodies decide whether or not the application is appropriate. It is evident the study commissioned by ATSIC this year that recreational activities are funded at a significantly lower rate than sporting activities. For example, in 1998-1999, Cairns Regional Council funded 152 individuals and 7 teams in 15 different sports, but only 4 recreational activities, affecting six individuals.

Incomes

The overwhelming trend evident in the ABS statistics is of relatively low levels of income amongst the Indigenous population. Overall, Indigenous median incomes are about 60% of the national average.

It is suggested that the low levels of income of Indigenous populations may go some way to explaining why many Indigenous communities see ATSIC sport and recreation funding as secondary rather than primary.

If families do not have the financial resources to support the participation of their children, and full funding is not available this may act as a disincentive to participate in sport and or recreation activities.

Arts & Culture

Objective

This program contributes to the maintenance and wider recognition of the cultural identity of Indigenous Australians.

The national program, the National Art and Craft Industry Support Strategy (NACISS), focuses specifically on visual arts and crafts. Its principal activity is to fund capital and operational costs of a network of community art and craft centres, mainly in remote Australia. These centres provide artists with materials, accommodation and facilities as well as documentation of works, management, promotion and marketing services.

Regional Art & Cultural Support, managed by Regional Councils, focuses on the provision of services designed to preserve and promote Indigenous Art and Culture, such as the following: Ceremonial and other cultural practices; Community Cultural awareness and revival projects; Art and Craft activities; and Cultural expressions, activities and festivals, and dance performances.

Budget

In 1999-2000 funding of $11.088m supported 175 Regional Council projects with a total expenditure of $6.373m and 50 NACISS projects and two consultancies totalling $4.715m.

Examples of Regional Councils support of cultural activities during 1999-2000 included festivals, cultural days, theatre productions, the establishment of facilities for art and culture activities and capital and operational funding to major cultural centres.

Tasmania
The Tasmanian Aboriginal Corporation for Women's Arts and Crafts was supported to continue its work in preserving and promoting traditional women's crafts, particularly shell stringing and basket weaving. Few skilled practitioners of shell stringing remain and the work of the corporation has opened up the craft to a new generation.

Victoria
Binjirru Council in Victoria funded a cultural festival to coincide with the Olympic Torch Relay. In South Australia the Adnyamathanha Women's Choir performed at the Opera of the Outback in November 1999.

New South Wales
Moree, NSW, hosted two Croc Eisteddfod Festivals for Indigenous and non-indigenous people. These festivals focus on youth-related issues and promote wider community awareness and networking. The second was opened by the Prime Minister, and attended by Senator Aden Ridgeway and other parliamentary representatives.

Queensland
Buildings and other facilities funded by ATSIC Regional Councils provide places to produce and sell artwork as well as amenities for cultural training and tourism development. The Dreamtime Cultural Centre in Rockhampton, Qld, is one of Australia's premier Aboriginal and Torres Strait Islander cultural tourism attractions and convention centres. In February extensions to the facility (a lodge and motel complex) were opened by ATSIC representatives and the Minister for Aboriginal and Torres Strait Islander Affairs. Dreamtime, owned and managed by the local Indigenous community, has been operating for 12 years, employs 26 all-Indigenous staff, and has trained and employed more than 50 others who have gone on to other careers.

Also in Queensland, funding was provided for the community controlled-museum at Yarrabah, a former mission. The museum will promote Yarrabah's distinctive culture and provide revenue and employment opportunities from tourism. The museum will have links with the recently commenced art and craft operation managed by Yarrabah Council.

Background

ATSIC's strategic support to art centres arose out a major Review of the Indigenous Arts and Crafts Industry conducted by Jon Altman in 1989. The review argued that support of art centres as 'cultural' enterprises could provide important economic benefits. NACISS was reviewed in 1997 by Colin Mercer who recommended the introduction of business plans to improve art centres' long-term performance. NACISS also contributes to conferences, publications, promotions and exhibitions that help position Indigenous visual arts and crafts as dynamic elements of Australian culture or assist artists to understand and deal with the arts industry. It also contributes towards the cost for the development of a national Label of Authenticity for Indigenous cultural products and the development of a National Registry to manage the issuing of labels.
Regional Council support to arts and culture has a much broader focus. In addition to arts and crafts projects, Regional Councils may fund cultural events and festivals, ceremonial activities and cultural centres that often have a tourist focus.

Initiatives

A long running issue in relation to ATSIC's art and craft centre support has been the introduction of a negotiated equitable funding model to remove funding discrepancies. A workshop held in Canberra in February brought together representatives from a cross-section of the Indigenous arts and crafts industry to discuss funding models. A Discussion Paper produced in March synthesises the positions developed at the workshop and builds on the extensive literature available on funding and operation of art centres. The paper sets out proposals incorporating formulas, models and benchmarks that will provide a basis for equitable support to art centres in the future. Performance-based monitoring is viewed as a key component of any new funding model. It is also recommended that triennial funding be introduced from 2002-05 to allow art centres to undertake medium-term planning.

The Discussion Paper was distributed for comment to key industry stakeholders and the elected and administrative arms of ATSIC, so that a proposal can be prepared for the Board's consideration in the new financial year.

Other agency contributions

This output involves negotiation and consultation with other agencies to expand avenues of assistance to art and craft centres. The Australia Council for the Arts, through its Aboriginal and Torres Strait Islander Arts Fund (ATSIAF), also supports contemporary Indigenous cultural expression in a variety of media. This is mainly through project subsidies to individuals or companies in contrast to ATSIC's operational support to community organisations.

An interdepartmental working group will form in the new financial year to develop a cooperative approach to funding Indigenous visual arts and craft projects. Agencies represented in the working group would include ATSIC, the Department of Education, Training and Youth Affairs, the Department of Employment, Workplace Relations and Small Business and the Department of Communications, Information Technology and the Arts (DCITA).

The Art and Craft Centre Story

Informing this process has been an important research project funded by ATSIC, Northern Territory Department of Arts and Museums, DCITA, and undertaken by Desart, the Alice Springs-based association of Central Australian Aboriginal art centres. The project, initiated in 1996, surveyed 39 government-supported art centres in remote Australia assessing their current functions and identifying areas of best practice.

Volume One of The Art and Craft Centre Story, published in November 1999, presents detailed data about the centres—their activities, staffing, role in their communities and their relationships with funding bodies and the commercial and non-commercial sectors of the Aboriginal arts industry. Volume Two, published in January, summarises the findings of the survey and makes recommendations based on those findings.

Both volumes highlight the importance of ATSIC's support for an industry that serves important socio-cultural as well as economic needs within communities. However, the review found that:

- NACISS had been 'chronically understaffed' within ATSIC;
- a limited budget and pressure to fund new art centres had produced continual threats to the funding of established centres;
- communications and strategic cooperation between government agencies involved in art centre support were at a low level;
- there was continual tension between the commercial and cultural objectives of art centres. While recent policy had emphasised the commercial, at the community level objectives were 'more mixed and in some cases the cultural has taken precedence over the commercial';

- given the scarcity of art support funding, art centres needed to be highly accountable to ensure maximum value for the limited grant money available.

The interdepartmental working group described above is working on developing cooperative strategies in response to the recommendations.

ATSIC and the ATSIAB funded a national visual arts conference in Cairns in November 1999 for representatives of the community arts sector. The conference provided a forum to exchange ideas and expand marketing networks.

ATSIC also collaborated with the Australia Council in supporting a special edition of the magazine Artlink dealing with Aboriginal and Torres Strait Islander visual arts. Launched at the National Gallery of Australia in April, the special edition combines an attractive presentation with informed discussion of the many issues surrounding contemporary Indigenous art. Its availability during the Sydney 2000 Olympics in September will help promote international interest in Aboriginal and Torres Strait Islander art.

Visual Arts Database

Since 1995 ATSIC has been developing a National Aboriginal and Torres Strait Islander Visual Artists Database. Information from the database is published in ATSIC's Visual Arts and Crafts Resources Directory. An expanded edition for the years 2000 and 2001 was prepared during 1999-2000 and was available for the Sydney 2000 Olympics and will be distributed during next year's Centenary of Federation celebrations. The Resource Directory has proved to be a vital reference and promotional tool for collectors and others servicing the Indigenous arts and crafts industry. New features of the 2000-01 edition include an extensive bibliography and index.

Label of Authenticity

ATSIC has funded the National Indigenous Arts Advocacy Association over a number of years to assist in developing a Label of Authenticity, a national trademark to authenticate cultural products as the work of Indigenous artists. The label, in the readily recognisable form of a boomerang in the colours of the Aboriginal flag, was launched in Sydney in November. A National Registry, to be set up in the new financial year, will issue the label for cultural products to individual artists and organisations for both the visual and the performing arts.

Success

The Arts and Culture program and related activities have substantially increased participation and awareness by Indigenous Australians in art, craft and cultural activities. All art and culture projects funded by ATSIC contribute to increased participation and awareness. Despite the limitations on NACISS funding, the Aboriginal and Torres Strait Islander arts industry has been growing in scale and significance since NACISS was established.

Research published by the Australia Council after the end of the financial year (August 2000) reveals that the number of Indigenous artworks sold at auction has increased almost fourfold in the last decade, while individual works have more than tripled in value. Auction sales stood at $4.5 million in 1999, 10 per cent of the total art auction market. In the same period figures were for non-indigenous Australian art had declined.

Statistics quoted in the special edition of Artlink magazine claim that Aboriginal peoples and Torres Strait Islanders make up at least 25 per cent and maybe 50 per cent of the country's working visual artists, contribute more than half the total value of visual art sales and dominate the export market. An art once considered only of ethnographic importance has now achieved widespread acceptance as measured by exhibitions, critical evaluation and sales. This acceptance of Indigenous art has placed it near the heart of Australian national culture, especially as it is projected overseas.

It is obvious these developments cannot be attributed wholly to ATSIC however, the Art and Craft Centre Story highlights the role of art centres in the contemporary success of Indigenous arts.

From the 1970s, these incorporated organisations have evolved as the most efficient and effective institutional arrangement for collecting and marketing the art works of Aboriginal and Torres Strait Islander producers. Art centres are providing support to thousands of artists and are actively involved in training the next generation of artists. There are an estimated 5000 to 6000 Aboriginal and Torres Strait Islander artists (some argue many more) in the industry as a whole.

The 1997 Mercer review documented the increasing turnover of art centres and found that subsidies to art centres were producing very good outcomes compared to subsidies to mainstream cultural activities.

Art centres supported under NACISS have increased from 24 in the early 1990s to 44 in the year 2000. An output priority has been servicing the needs of far north Queensland artists where previously NACISS did not operate. Late 1999 saw a major public debate on aspects of the industry, including 'scandals' surrounding the authentication of works and exploitation of artists by commercial interests. This debate underlined the value of art centres in providing supportive and community-owned environments for the production and marketing of authentic cultural products. In recent years the role of Indigenous people has expanded beyond creation of cultural products. Aboriginal peoples and Torres Strait Islanders are now active promoters and curators of their art.

All overseas exhibitions of Indigenous Australian art have artists present who take a primary role in the public relations and promotional activities of the exhibitions. These artists provide the main contact point for explanations of works to collectors and other visitors. Increased activity in marketing by art and craft centres has seen an increase in contact between Indigenous artists and the art-buying public.

A number of former arts centre advisers now hold senior curatorial positions with major public collecting institutions. Key arts advisory boards around Australia include Indigenous art practitioners and administrators. The Sydney 2000 Olympics and

Centenary of Federation present a further opportunity to expand awareness of Indigenous art and increase demand.

Future directions

ATSIC will do further work on developing an equitable funding model for art centres and expanding strategic support to the industry, including through participation in the interdepartmental working group.

The ATSIC 2000 Restructure has relocated the national program responsibility centre to Hobart, Tasmania.

A Statistical Overview

1 Introduction

The socio-economic disadvantage of Aboriginal peoples and Torres Strait Islanders relative to other Australians has been well documented. For example, '*Social conditions of Aboriginal and Torres Strait Islander peoples*' presents a recent summary of statistics on education, employment, income, living arrangements, crime and health (ABS 2000, pp 21-26: included as an appendix). See also '*ATSIC's operating environment*' ' (ATSIC Annual Report 1998-99, pp 23-27).

ATSIC and the ABS have a collaborative agreement to provide data to ATSIC's regional councils and improve Indigenous data enumeration. It is only through improved data and especially comparative data of Indigenous to non-indigenous that the social and economic well being of Aboriginal and Torres Strait Islander Australians can be measured, and used to inform policy and program development.

In order to monitor well-being and inform policy and program development, the Australian Bureau of Statistics (ABS) and other agencies continue to collect information about Indigenous peoples and strive to improve the quality of that information. Current strategies aim to improve the identification of Indigenous people in national and state level administrative collections in areas such as health, justice and education. The ABS conducts surveys of housing, health and general social characteristics to augment information about Indigenous people available from the five-yearly Census of Population and Housing. There is however much more work to be done.

The purpose of this brief statistical overview is to highlight differences in the characteristics of Indigenous people across urban and rural areas. Data from the 1996 Census are used to present information on population distribution, education, employment, income, housing, culture and youth.

The standard ABS Section of State classification is used. This classification distinguishes among *major urban* areas: large cities of 100,000 people or more; *other urban* areas: small to medium population centres of 1,000 to less than 100,000 people; and *rural* areas: the balance of Australia comprising bounded localities or townships of 200 to less than 1,000 people together with other rural and remote areas (see also the section on Other geographical classifications at the end of this report and table 7 for a list of urban centres with an Indigenous population count of 500 persons or more at the time of the 1996 Census).

The following analysis compares characteristics of Indigenous people with those of the total population rather than the non-indigenous component of the population. This is a standard method for analysing data from the self-enumerated census. It is used for two main reasons. First, the relatively small proportion of Indigenous people within the total population means that data for Indigenous people do not have a strong impact on characteristics of the total population. That is, the total population is closely representative of the non-indigenous population. Secondly, the method allows the large number of not stated responses to the question about Indigenous origin to be

included. In the 1996 Census, not stated responses (525,400) significantly outnumbered people who stated their Indigenous origin (353,000).

2 Population distribution

At 30 June 1996, there were an estimated 386,000 Aboriginal and Torres Strait Islander Australians, representing 2.1% of the total population.[1] This figure was projected to have increased to between 427,000 and 502,000 by 2001 and to around 470,000 to 650,000 by 2006. Between 1991 and 1996 the Indigenous population grew at an average annual rate of 2.3%, nearly twice the growth rate for the total population (ABS 1998a, 1998b).

Estimates of the size of the Indigenous population from 1901 to 1966 fluctuated between 70,000 and 95,000. Since the mid-1960s, the population has grown strongly to its current level of over 400,000. These estimates are affected by differences in the way information was collected about Indigenous popple throughout the century and changes in the willingness of people to identify themselves as being of Aboriginal and/or Torres Strait Islander origin in official statistical collections (Ross 1999).

Figure 1. Indigenous population, 1901-2001
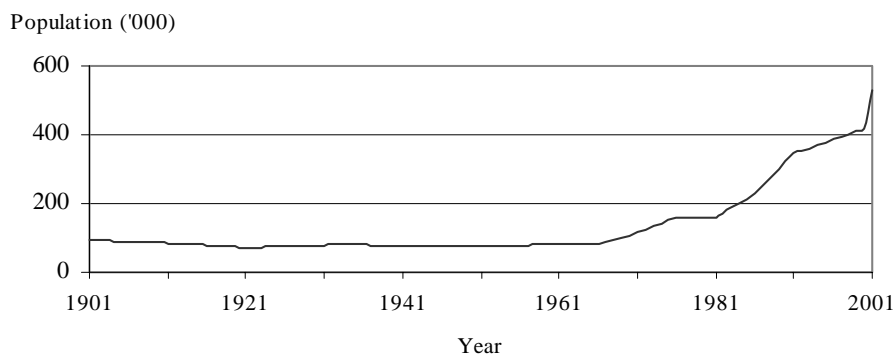
Source: ABS 1998a, ABS 1998b and Ross 1999

Compared with the total population, Indigenous people were more evenly distributed across urban and rural areas in 1996. In total, 30% of Indigenous people lived in large cities, 42% in small to medium population centres and 27% in rural areas. A much larger share of the total population lived in large cities (63%), whereas smaller proportions were living in small to medium population centres (23%) and rural areas (14%).

While Indigenous people comprised around 2% of the national population in 1996, the much higher concentration of the non-Indigenous population in major urban centres resulted in an under representation of Indigenous people in large cities (1%) and their

---

[1] 'Experimental' estimates of the Indigenous population are derived from census counts after adjusting for people missed in the census and other factors (see ABS 1998a).

corresponding over representation in small to medium population centres (4%) and rural areas (4%).

The pattern of urbanisation varies from State to State. NSW, which had the largest Indigenous population count in 1996 (101,500 persons), had relatively high proportions of Indigenous people in large cities (40%) and small to medium population centres (44%). Queensland, which also had a large Indigenous population count (95,500 persons), had a greater share of people in rural areas (25%). The Northern Territory's population (46,300 persons) was divided between small to medium population centres including Darwin (40%) and rural areas (60%).

Table 1. Population Distribution Across Urban and Rural Areas

Area	Major Urban	Other Urban	Rural	Total	Total
	%	%	%	%	'000
	INDIGENOUS				
NSW	40.0	44.3	15.7	100.0	101.5
Vic.	47.0	39.6	13.4	100.0	21.5
Qld	27.8	47.2	24.9	100.0	95.5
SA	44.3	31.9	23.7	100.0	20.4
WA	29.4	37.7	32.8	100.0	50.8
Tas.	20.5	48.7	30.8	100.0	13.9
NT	-	39.6	60.3	100.0	46.3
ACT	98.9	-	1.1	100.0	2.9
Total	**30.3**	**42.3**	**27.4**	**100.0**	**353.0**
	TOTAL				
Total	**62.7**	**23.3**	**14.0**	**100.0**	**17,752.8**

Source: 1996 Census of Population and Housing

3 Torres Strait Islanders

In total, 353,000 Indigenous people were counted in the 1996 Census. Of these, 89% were of Aboriginal origin only, 8% of Torres Strait Islander origin only and 3% were of both Aboriginal and Torres Strait Islander origin.

There were 38,800 people who stated that they were either of Torres Strait Islander origin only or of both Aboriginal and Torres Strait Islander origin. Around one in six of these people lived in the Torres Strait Area. The vast majority (89%) of the 6,100 Indigenous people in the Torres Strait Area was of Torres Strait Islander origin only.

Of all people with Torres Strait Islander origins, 34% were in large cities, 41% in small to medium population centres (including Thursday Island) and 25% were in rural areas.

Table 2. Aboriginal and Torres Strait Islander People, 1996 ('000)

Area	Aboriginal	Torres Strait Islander	Both Aboriginal and Torres Strait Islander	Total Torres Strait Islander	Total Indigenous
MAJOR URBAN					
Torres Strait Area	..	..	..	..	..
Mainland(a)					
Qld Balance	21.8	3.6	1.1	4.7	26.6
Other States and					
Territories	72.0	6.5	1.9	8.4	80.4
Total	*93.8*	*10.1*	*3.0*	*13.1*	*106.9*
Total	**93.8**	**10.1**	**3.0**	**13.1**	**106.9**
OTHER URBAN					
Torres Strait Area	0.1	1.4	0.2	1.6	1.7
Mainland(a)					
Qld Balance	35.3	5.7	2.4	8.1	43.4
Other States and					
Territories	98.0	4.1	2.1	6.1	104.2
Total	*133.4*	*9.7*	*4.5*	*14.3*	*147.6*
Total	**133.4**	**11.2**	**4.7**	**15.9**	**149.3**
RURAL					
Torres Strait Area	0.3	4.0	0.2	4.2	4.4
Mainland(a)					
Qld Balance	16.9	1.7	0.8	2.5	19.4
Other States and					
Territories	69.6	1.8	1.4	3.2	72.8
Total	*86.5*	*3.5*	*2.2*	*5.7*	*92.2*
Total	**86.8**	**7.5**	**2.4**	**9.9**	**96.6**
TOTAL					
Torres Strait Area	0.3	5.4	0.4	5.8	6.1
Mainland(a)					
Qld Balance	74.1	11.0	4.4	15.4	89.5
Other States and					
Territories	239.7	12.4	5.3	17.7	257.4
Total	*313.8*	*23.4*	*9.7*	*33.1*	*346.9*
Total	**314.1**	**28.7**	**10.1**	**38.8**	**353.0**

Source: 1996 Census of Population and Housing

Footnote: a. Balance of Australia.

4 Selected characteristics

Age

The difference in age structure between Indigenous people and the total population is well known. The Indigenous population has much greater proportions of children and young people and a much smaller share of older people. Reflecting higher fertility, almost 60% of Indigenous people were aged under 25 in 1996. As a consequence of high mortality, only 3% were aged 65 years or more. The age structure of the Indigenous population was relatively constant across urban and rural areas.

Table 3. Age Structure

Age	Major Urban	Other Urban	Rural	Total Indigenous	Total
	%	%	%	%	%
0-4	14.7	15.1	12.5	14.2	7.1
5-14.	24.7	26.7	25.7	25.8	14.5
15-24	20.0	18.6	18.9	19.1	14.5
25-64	38.2	37.1	39.7	38.2	51.8
65 and over	2.4	2.5	3.1	2.6	12.1
Total	**100.0**	**10.0.0**	**100.0**	**100.0**	**100.0**
	'000	'000	'000	'000	'000
Total	**106.9**	**149.3**	**96.6**	**353.0**	**17,752.8**

Source: 1996 Census of Population and Housing

Employment

In 1996, the proportion of Indigenous people in the labour force (53% of persons aged 15 and over) was almost ten percentage points lower than the corresponding figure for the total population (62%). Rates of labour force participation were higher among Indigenous men (64%) than women (43%). Overall, Indigenous people were less likely than the total population to work 35 hours or more each week (60% compared with 69% of employed persons, respectively) and more than twice as likely to be unemployed (unemployment rates of 23% compared with 9%, respectively).

Indigenous people in urban areas have a higher rates of labour force participation than those in rural areas and a larger share are working 35 hours or more each week. In contrast and in part reflecting greater access to CDEP employment in rural areas, unemployment rates were higher in urban areas.

Income

In 1996, the incomes of Indigenous people were on average about $100 per week lower than incomes of the total population. An approximation for per capita income based on median individual income, indicates that the per capita weekly income of Indigenous people ($104) was less than half that for the total population ($215).

Income was significantly higher in urban areas than in rural areas.

Household size

In 1996, Indigenous households were generally larger than the national average (3.7 persons compared with 2.7 persons, respectively).

The average size of Indigenous households was smaller in large cities (3.2 persons) and much greater in rural areas (4.6 persons).

Tenure

Levels of home ownership and home purchasing are much lower among Indigenous people than for the total population. In 1996, 70% of Indigenous households were renting compared with 28% of all households. Among renters, Indigenous households were almost twice as likely to be in public housing (37% compared with 20%, respectively).

The level of renting among Indigenous households was highest in small to medium population centres. Reliance on public housing was lowest in rural areas but high levels of renting through community cooperative housing organisations counterbalanced this.

Language and religion

In 1996, 13% of Indigenous people reported that they spoke an Australian Indigenous language at home, with much higher levels in rural than urban areas.

The reporting of traditional religions followed a similar pattern to language, but at lower levels (2% for the total Indigenous population).

Table 4. Selected Characteristics(a)

Selected characteristic	Unit	Major Urban	Other Urban	Rural	Total Indigenous	Total
Proportion of total population	%	1.0	3.6	3.9	2.0	100.0
In labour force:						
Males	%	67.5	63.4	60.5	63.8	71.4
Females	%	47.1	40.9	40.0	42.6	52.8
Persons	%	56.6	51.4	50.4	52.7	61.9
Of employed persons, proportion working 35 hours or more	%	69.1	60.9	46.0	59.5	69.4
Unemployment rate	%	23.5	26.3	16.4	22.7	9.2
Median individual weekly income	$	$234	$195	$170	$190	$292
Per capita weekly income(b)	$	$131	$103	$94	$104	$215
Average household size	No.	3.2	3.7	4.6	3.7	2.7
Renting households	%	63.6	71.3	63.4	66.9	27.7
Of households that are renting, proportion renting from:						
State Housing Authority	%	43.6	42.9	11.6	36.9	19.9
Community Cooperative	%	3.2	12.9	44.7	15.9	1.9
Speak Australian Indigenous language at home	%	2.2	7.3	34.7	13.3	n.a.
Australian traditional Aboriginal religion	%	0.4	0.9	5.7	2.1	n.a.

Source: 1996 Census of Population and Housing

Footnotes:

a. Proportions are based on stated responses.
b. Approximation based on median individual income.

5 Youth

Although Indigenous youth comprised 3% of all young people aged 15-24 in 1996, they formed only 1% of young people in large cities.

In 1996, Indigenous young people were less likely to be living with a parent than all youth (46% compared with 63%, respectively). They were more likely to live with relatives other than their parents (15% compared with 5%) or to have made the transition to independent living and to be partners or parents themselves (27% compared with 15%).

While this national trend was evident in urban and rural areas, young people in large cities were more likely to live with their parents and less likely to live with other relatives or to be parents or partners than youth in small to medium population centres or rural areas. Group household living was at much the same level among Indigenous young people in large cities as for all youth, but at lower levels elsewhere.

Table 5. Youth: living arrangements(a)

Relationship in household	Major Urban	Other Urban	Rural	Total Indigenous	Total
	%	%	%	%	%
Living with family members					
Partner	15.1	18.5	21.7	18.3	13.0
Lone parent	8.4	9.4	6.8	8.4	2.1
Child	47.6	45.6	43.2	45.6	62.9
Other relative	9.7	13.9	21.4	14.6	4.9
Total	*80.7*	*87.4*	*93.1*	*86.8*	*82.9*
Not living with family members					
Lives alone	4.3	3.1	1.7	3.1	4.1
Group household	10.0	5.7	1.9	6.0	10.4
Boarder	5.0	3.8	3.3	4.0	2.6
Total	*19.3*	*12.6*	*6.9*	*13.2*	*17.1*
Total	**100.0**	**100.0**	**100.0**	**100.0**	**100.0**
	'000	'000	'000	'000	'000
Total	**18.6**	**24.2**	**15.6**	**58.4**	**2,312.8**

Source: 1996 Census of Population and Housing

Footnote: a.. Persons in private dwellings excluding visitors.

Only 30% of Indigenous young people were attending an educational institution at the time of the 1996 Census compared with almost 50% of all youth. Attendance was higher in large cities and lower in rural areas. Of all young people who were attending an educational institution, half were at school and half were at post-school institutions. For Indigenous young people, a greater proportion was at school (63%) and a corresponding smaller share was studying at post-school institutions. Indigenous young people in urban areas were more likely than those in rural areas to attend TAFE, while those in large cities were the most likely to attend university.

Table 6. Youth: education and employment(a)

Selected characteristic	Major Urban	Other Urban	Rural	Total Indigenous	Total
	%	%	%	%	%
Proportion of total youth population	1.3	5.0	6.1	2.6	100.0
Attending educational institution	35.6	29.9	22.1	29.7	49.3
Of young people attending educational institution, proportion at:					
School	53.7	65.4	75.2	62.7	50.9
TAFE	22.9	23.1	17.0	21.8	17.6
University	19.6	9.0	4.7	12.3	29.0
In labour force	54.7	49.6	47.3	50.7	65.2
Of employed young people, proportion working 35 hours or more	64.3	55.7	37.3	53.5	59.0
Unemployment rate	33.6	36.2	21.1	31.5	15.7

Source: 1996 Census of Population and Housing

Footnote: a. Proportions based on stated responses.

6 Other geographical classifications

The ABS Section of State classification is currently under review with proposals to provide finer disaggregation of sections by the population size of urban centres.

In addition to Section of State, ABS provides other geographical classifications of urban and rural areas in the Australian Standard Geographical Classification (ABS 2000d). These include:

- Urban Centres/Localities: from which Section of State is derived and which gives the census count and characteristics for all population centres of 200 people or more (see table 7).
- Statistical Districts: which comprise urban centres of 25,000 people or more and the surrounding district into which the population is expected to expand over the next 20-30 years.
- A classification of remoteness is currently under development.

Table 7. Indigenous Census Count in Cities and Towns, 1996

Rank	Urban centre with census count of 500 Indigenous persons or more	State/ Territory	Indigenous	Indigenous as proportion of total	Total
1	Sydney	NSW	28,739	0.9%	3,242,213
2	Brisbane	Qld	19,221	1.5%	1,280,468
3	Perth	WA	14,957	1.4%	1,087,437
4	Melbourne	Vic.	9,373	0.3%	2,850,052
5	Adelaide	SA	9,056	0.9%	973,991
6	Cairns	Qld	6,020	7.1%	84,606
7	Darwin (excludes Palmerston – see 31 below)	NT	5,495	8.0%	68,570
8	Townsville-Thuringowa	Qld	5,423	5.0%	109,014
9	Newcastle	NSW	4,089	1.5%	269,602
10	Central Coast	NSW	3,025	1.3%	227,075
11	Wollongong	NSW	2,989	1.4%	218,909
12	Canberra-Queanbeyan (Canberra part)	ACT	2,867	1.0%	294,983
13	Hobart	Tas.	2,843	2.3%	125,667
14	Mount Isa	Qld	2,832	13.1%	21,635
15	Alice Springs	NT	2,824	13.1%	21,600
16	Rockhampton	Qld	2,727	4.8%	57,318
17	Dubbo	NSW	2,550	8.5%	30,056
18	Toowoomba	Qld	2,199	2.6%	83,021
19	Mackay	Qld	2,015	4.5%	44,647
20	Palm Islands	Qld	1,946	93.9%	2,073
21	Broome	WA	1,942	17.5%	11,128
22	Gold Coast-Tweed Heads (Gold Coast part)	Qld	1,922	0.7%	262,549
23	Port Augusta	SA	1,899	13.7%	13,878
24	Yarrabah	Qld	1,879	95.0%	1,978
25	Moree	NSW	1,822	19.7%	9,250
26	Geraldton	WA	1,812	7.2%	25,145
27	Port Hedland	WA	1,661	13.0%	12,738
28	Thursday Island	Qld	1,657	67.0%	2,472
29	Tamworth	NSW	1,559	4.9%	31,800
30	Tennant Creek	NT	1,517	39.9%	3,802
31	Palmerston	NT	1,438	11.8%	12,208
32	Launceston	Tas.	1,428	2.1%	67,517
33	Katherine	NT	1,415	18.2%	7,785
34	Nowra-Bomaderry	NSW	1,377	5.8%	23,769

Table 7. Indigenous census count in cities and towns, 1996 (continued)

Rank	Urban centre with census count of 500 Indigenous persons or more	State/ Territory	Indigenous	Indigenous as proportion of total	Total
35	Kalgoorlie-Boulder	WA	1,354	4.8%	27,927
36	Wagga Wagga	NSW	1,258	2.9%	42,769
37	Galiwinku	NT	1,230	95.7%	1,285
38	Maningrida	NT	1,195	90.1%	1,327
39	Port Keats	NT	1,183	91.8%	1,288
40	Kempsey	NSW	1,166	13.5%	8,614
41	Derby	WA	1,164	36.4%	3,195
42	Innisfail	NSW	1,115	12.5%	8,914
43	Shepparton-Mooroopna	Vic.	1,068	3.3%	31,898
44	Cherbourg	Qld	1,064	96.7%	1,100
45	Bundaberg	Qld	1,055	2.6%	40,739
46	Nguiu	NT	1,049	87.9%	1,193
47	Armidale	NSW	1,026	4.8%	21,178
48	Gold Coast-Tweed Heads (Tweed Heads part)	NSW	1,023	2.7%	37,551
49	Orange	NSW	1,005	3.3%	30,660
50	Woorabinda	Qld	1,001	89.5%	1,119
51	Carnarvon	WA	949	15.1%	6,279
52	Lismore	NSW	937	3.3%	28,259
53	Bourke	NSW	868	31.3%	2,769
54	Mareeba	Qld	859	12.5%	6,852
55	Maitland	NSW	850	1.7%	50,022
56	Gladstone	Qld	839	3.2%	26,299
57	Walgett	NSW	832	42.4%	1,964
58	Bathurst	NSW	813	3.1%	25,956
59	Burnie-Somerset	Tas.	805	4.2%	19,114
60	Bunbury	WA	790	3.2%	24,883
61	Broken Hill	NSW	766	3.7%	20,920
62	Devonport	Tas.	765	3.4%	22,254
63	Wellington	NSW	743	15.1%	4,919
64	Kwinana	WA	736	4.7%	15,627
65	Geelong	Vic.	718	0.6%	124,957
66	Normanton	Qld	714	53.8%	1,327
67	Coffs Harbour	NSW	712	3.2%	22,055
68	Gunnedah	NSW	700	8.4%	8,301

Rank		State/Territory	Indigenous		Total
69	Albury-Wodonga (Albury part)	NSW	692	1.7%	41,389

Table 7. Indigenous census count in cities and towns, 1996 (continued)

Rank	Urban centre with census count of 500 Indigenous persons or more	State/Territory	Indigenous	Indigenous as proportion of total	Total
70	Canberra-Queanbeyan (Queanbeyan part)	NSW	692	2.7%	25,627
71	Taree	NSW	675	4.0%	16,667
72	Grafton	NSW	644	3.9%	16,547
73	Charters Towers		644	7.3%	8,842
74	Coonamble	NSW	631	22.9%	2,750
75	Ceduna	SA	620	23.9%	2,598
76	Casino	NSW	613	6.1%	9,979
77	Bridgewater-Gagebrook	Tas.	610	8.2%	7,447
78	Brewarrina	NSW	607	54.6%	1,112
79	Griffith	NSW	607	4.3%	14,164
80	Mildura	Vic.	604	2.5%	24,099
81	Kununurra	WA	597	12.6%	4,753
82	Cloncurry	Qld	597	24.4%	2,450
83	Hervey Bay	Qld	589	1.9%	31,542
84	Mandurah	WA	587	1.6%	35,838
85	Port Lincoln	SA	582	5.0%	11,649
86	Murray Bridge	SA	560	4.4%	12,820
87	Ballarat	Vic.	548	0.8%	64,689
88	Albany	WA	546	2.7%	20,408
89	Rockingham	Qld	530	1.1%	49,751
90	Condobolin	NSW	524	16.9%	3,095
91	Narromine	NSW	519	14.9%	3,479
92	Fitzroy Crossing	WA	517	46.5%	1,112
93	Port Macquarie	NSW	517	1.5%	33,511
94	Whyalla	SA	515	2.2%	23,348
95	Cunnamulla	WA	508	34.8%	1,460
	Total		202,745	1.6%	12,723,596
	Urban balance		53,460	2.1%	2,535,337
	Urban		256,205	1.7%	15,258,933
	Rural		96,623	3.9%	2,483,885
	Australia		**352,970**	**2.0%**	**17,752,829**

References and selected bibliography

Aboriginal and Torres Strait Islander Commission, 1999, *Annual Report 1998-1999* ATSIC, Canberra.

Australian Bureau of Statistics, 1998a, *Experimental Estimates of the Aboriginal and Torres Strait Islander Population, June 1991 to June 1996*, ABS Cat. No. 3230.0, ABS, Canberra.

Australian Bureau of Statistics, 1998b, *Experimental Projections of the Aboriginal and Torres Strait Islander Population, June 1996 to June 2006*, ABS Cat. No. 3231.0, ABS, Canberra.

Australian Bureau of Statistics, 1998c, *1996 Census of Population and Housing: Aboriginal and Torres Strait Islander People, Australia*, ABS Cat. No. 2034.0, ABS, Canberra.

Australian Bureau of Statistics, 1999, *Year Book Australia 1999*, ABS Cat. No. 1301.0, ABS, Canberra.

Australian Bureau of Statistics, 2000a, *Corrective Services, March Quarter 2000*, ABS Cat. No. 4512.0, ABS, Canberra.

Australian Bureau of Statistics, 2000b, *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia, 1999*, ABS Cat. No. 4710.0, ABS, Canberra.

Australian Bureau of Statistics, 2000c, *Australian Social Trends, 2000*, ABS Cat. No. 4102.0, ABS, Canberra.

Australian Bureau of Statistics, 2000d, *Australian Standard Geographical Classification*, ABS Ca t. No. 1216.0, ABS, Canberra.

Australian Bureau of Statistics and Australian Institute of Health and Welfare, 1999, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, ABS Cat. No. 4704.0, ABS, Canberra.

Commonwealth Bureau of Census and Statistics, 1926, *Australian Demography*, CBCS, Canberra.

Cunningham J and Beneforti, M, 2000, *Occasional Paper: Hospital statistics, Aboriginal and Torres Strait Islander Australians, 1997-98*, ABS Cat. No. 4711.0, ABS, Canberra.

Cunningham J and Parades Y, 2000, *Occasional Paper: Mortality of Aboriginal and Torres Strait Islander Australians, 1997*, ABS Cat. No. 3315.0, ABS, Canberra.

Day P, Sullivan E and Lancaster P, 1999, *Indigenous Mothers and Their Babies, Australia 1994-1996*, AIHW, Sydney.

Ross K, 1999, *Occasional Paper: Population Issues, Indigenous Australians*, ABS Cat. No. 4708.0, ABS, Canberra.

ACRONYMS AND ABBREVIATIONS

AAC	Area Advisory Committee
ABA	Aboriginals Benefit Account
ABR	Aboriginals Benefit Reserve
ABSTUDY	Aboriginal Study Grants
ABTA	Aboriginals Benefit Trust Account
AGs	Attorney-General's Department
AJACs	Aboriginal Justice Advisory Committees
AMSs	Aboriginal Medical Services
ANTA	Australian National Training Authority
ANTA	Australian National Training Authority
ASC	Australian Sports Commission
ATO	Australian Taxation Office
ATSIAF	Aboriginal and Torres Strait Islander Arts Fund
ATSILS	Aboriginal and Torres Strait Islander Legal Services
BPS	Business Preparation Scheme
CAP	Community Agent Program
CD	Collection District
CDEP	Community Development Employment Project
CGC	Commonwealth Grants Commission
CLC	Community Legal Centre
CLSs	Community Legal Services
COAG	Council of Australian Government
CYS	Community and Youth Support
DEET	Department of Employment, Education and Training
DETYA	Department of Eduction, Training and Youth Affairs
DEWRSB	Department of Employment Workplace Relations and Small Business
DFACs	Department of Family and Aged Care
DHAC	Department of Health and Aged Care
DICWC	Deaths in Custody Watch Committee
DIMA	Department of Immigration and Multicultural Affairs
DOGIT	Deed of Grant in Trust
FBT	Fringe Benefit Tax
FVPU	Family Violence Prevention Unit
HREOC	Human Rights and Equal Opportunity Commission

ISP	Indigenous Sports Program
LAC	Legal Aid Commission
LGA	Local Government Associations
MoU	Memorandum of Understanding
NACISS	National Art and Craft Industry Support Strategy
NSO	National Sporting Organisations
NSRP	National Sport and Recreation Program
OSW	Office of Status of Women
PADV	Partnerships Against Family Violence
PBS	Pharmaceutical Benefits Scheme
RCIADIC	Royal Commission into Aboriginal Deaths in Custody
SAASRA	South Australian Aboriginal Sport and Recreation Association
TAC	Tasmanian Aboriginal Centre
TSRA	Torres Strait Regional Authority
UN	United Nations
USA	United States of America
VET	Vocational Education and Training
YPSRDP	Young Persons Sport and Recreation Development Program

References and Bibliography

[i] *Review of the operations of the Aboriginal and Torres Strait Islander Commission Act 1989: Report to the Minister for Aboriginal and Torres Strait Islander Affairs*, Aboriginal and Torres Strait Islander Commission, Canberra, February 2000, P. 24

[ii] Sanders, Taylor and Ross, *Participation and representation in ATSIC elections : a ten-year perspective*, Centre for Aboriginal Economic Policy Research Discussion Paper 198/2000, Australian National University, Canberra, May 2000, pp 14 – 16

[iii] Based on information supplied by the Australian Electoral Commission, comprises polling places in the Divisions of Aston, Batman, Bruce, Calwell, Chisholm, Deakin, Dunkley, Gellibrand, Goldstein, Higgins, Holt, Hotham, Isaacs, Jagajaga, Kooyong, Lalor, Maribyrnong, Melbourne, Melbourne Ports, Menzies, Scullin and Wills.

[iv] Comprises polling places in the wards of West Melbourne (Ballarat Region) and East Melbourne (Wangaratta Region)

[v] *Electoral Newsfile, No 93*, Australian Electoral Commission, Canberra, May 2000

[vi] *Regional Autonomy for Aboriginal & Torres Strait Islander Communities, Discussion Paper*, Aboriginal and Torres Strait Islander Commission, September 1999

[vii] *Report on Greater Regional Autonomy*, National Policy Office, Aboriginal and Torres Strait Islander Commission, Canberra, June 2000, P. 4

[viii] Terri Janke, Principal Consultant, Michael Frankel & Company, Solicitors, *Our Culture: Our Future, Rep[ort on Australian Indigenous Cultural and Intellectual Property Rights*, prepared for the Australian Institute of Aboriginal and Torres Strait Islander Studies and the Aboriginal and Torres Strait Islander Commission, 1998

[ix] Human Rights and Equal Opportunity Commission, Emerging Themes: National Inquiry into rural and Remote Education, 2000

[x] National Aboriginal Education Policy, Department of Employment, Education and Training, Canberra, 1989

[xi] The National Indigenous English Literacy and Numeracy Strategy, 2000-2004, the Hon David Kemp MP, Minister for Education, Training and Youth Affairs, 29 March 2000

[xii] National Centre for Vocational Education Research, *Australian Vocational Education and Training Statistics,* 1999

[xiii] ChrisRobinson and Paul Hughes, *Creating a sense of place*, National Centre for Vocational Education Research (NCVER), 1999

[xiv] *Evaluation of the Network Elements of TAP*, Department of Employment, Education and Training, 1994

[xv] *Australia's Workforce 2005:jobs for the future*, Department of Employment, Education and Training, 1994

[xvi] Phillip D Adams and G A Meagher, *Australia's Workforce trends to 2010: Forecasts from the Monash model*, Centre of Policy Studies, Monash University, 2000

[xvii]

[xviii] John Taylor and Boyd Hunter, *The Job Still Ahead: Economic costs of continuing Indigenous employment disparity*, ATSIC, 1998

[xix] Deborah Durnan and Bob Boughton, *Succeeding against the odds*, NCVER, 1999

[xxi] *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders*, endorsed by the Council of Australian Governments Perth, Western Australia, 7 December 1992

[xxii] *Review of the Australian Local Government Association Aboriginal Policy Officer Position and Aboriginal Local Government Reference Group*, J>G> Menham, November 1999

[xxiii] *Local Government Services to Aboriginal and Torres Strait Islander Communities: Its Capacity to Achieve the National Commitment to Improve Outcomes for Aboriginal and Torres Strait Islander Peoples*, Remote Rural Resources Pty Ltd for the Local Government Ministers' Conference, June 1998

[xxiv] Australian Bureau of Statistics, National Aboriginal and Torres Strait Islander Survey 1994, Detailed Findings, ABS Catalogue No. 4190.0, p.57

[xxv] White, L. (1999). *Bilingual Education- What is the _real_ story?* n.p

[xxvi] Report from the Human Rights and Equal Opportunity Commission Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (the *Bringing them home* Report).