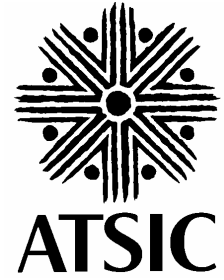


Yilli Rreung  
Regional Council



# Yilli Rreung Regional Council

Submission to the

**Australian Senate  
Select Committee on the  
Administration of Indigenous Affairs**

August 2004

## **1. Introduction**

The ATSIC Yilli Rreung Regional Council welcomes the opportunity to have input into this Senate Inquiry.

It is the view of this Council that the administration of Indigenous affairs has been overly politicised for too long. Since the *Report of the Review of the Aboriginal and Torres Strait Islander Commission* ('The ATSIC Review') in November 2003, this politicisation has overwhelmed government decision making. The administration of Indigenous affairs has been in steep decline since then. This has occurred firstly, through the lengthy delay in the government failing to respond to the report and secondly, through the April 2004 announcement by the government of major reforms, without reference to the Indigenous community. Finally, the implementation of these reforms without the advice or consultation of Regional Councils is an illustration of the government's lack of commitment to Indigenous involvement in decision making and sends a strong message to all government and non-government agencies that the objectives of the *Aboriginal and Torres Strait Islander Act* to ensure the 'maximum participation' of Indigenous Australians in the formulation and implementation of programs and to provide them with an 'effective voice within the Australian Government', have been abandoned.

### **1.1 Regional Profile**

#### **Area**

The Yilli Rreung Region is located in the north west of the Top End, the NT North Zone and consists of 10,355 square kilometres including the urban areas of Darwin and Palmerston, the rural areas of Humpty Doo, Batchelor and Adelaide River, and the remote areas of Belyuen and Bulgul. It shares a boundary with the North West Regional Governing Council Region.

#### **Population Characteristics**

The 2001 ABS Census of Population and Housing counted:

- 10,148 Indigenous people in the Yilli Rreung Region, representing 9.3% of the total population in the region and indicating a growth of 12% since the 1996 census;
- 11.8% of the Indigenous people living in the region speak an Aboriginal or Torres Strait Islander language at home.
- 16% of the Indigenous people in the region use a computer at home compared with 43.98% of non-Indigenous people in the region who use a computer at home.

#### **Education**

The 2001 ABS Census reveals a wide gap in educational attainment and between the general population and the Territory's Indigenous people. In the

Yilli Rreung region, only 87.7% of Indigenous children aged 5 – 14 were attending school. This figure drops to 51.7% of Indigenous children in the region attending an educational institution aged 15 – 19.

The educational attainment of Indigenous children in the region continues to lag behind that of non-Indigenous children. The 2002 Multi Level Assessment (MAP) testing results for numeracy found that with 86.6% of Indigenous children in the region passed year three assessment compared with 96.8% of non-Indigenous children and 67.3% of Indigenous children in the region passed year five assessment compared with 91.9% of non-Indigenous children. The 2002 MAP results for reading found that 63.6% of Indigenous children in the region passed year three assessment compared with 89% of non-Indigenous children and 76.2% of Indigenous children in the region passed year five compared with 92.8% of non-Indigenous children.

### **Employment**

The 2001 ABS Census figures show that 2,913 Indigenous people were in the labour force, including 168 people on CDEP, while 2,863 Indigenous people in the Darwin Region were not in the labour force.

There was a much higher unemployment rate for the Indigenous population (19.3%) than the non-Indigenous population (5.9%).

### **Housing**

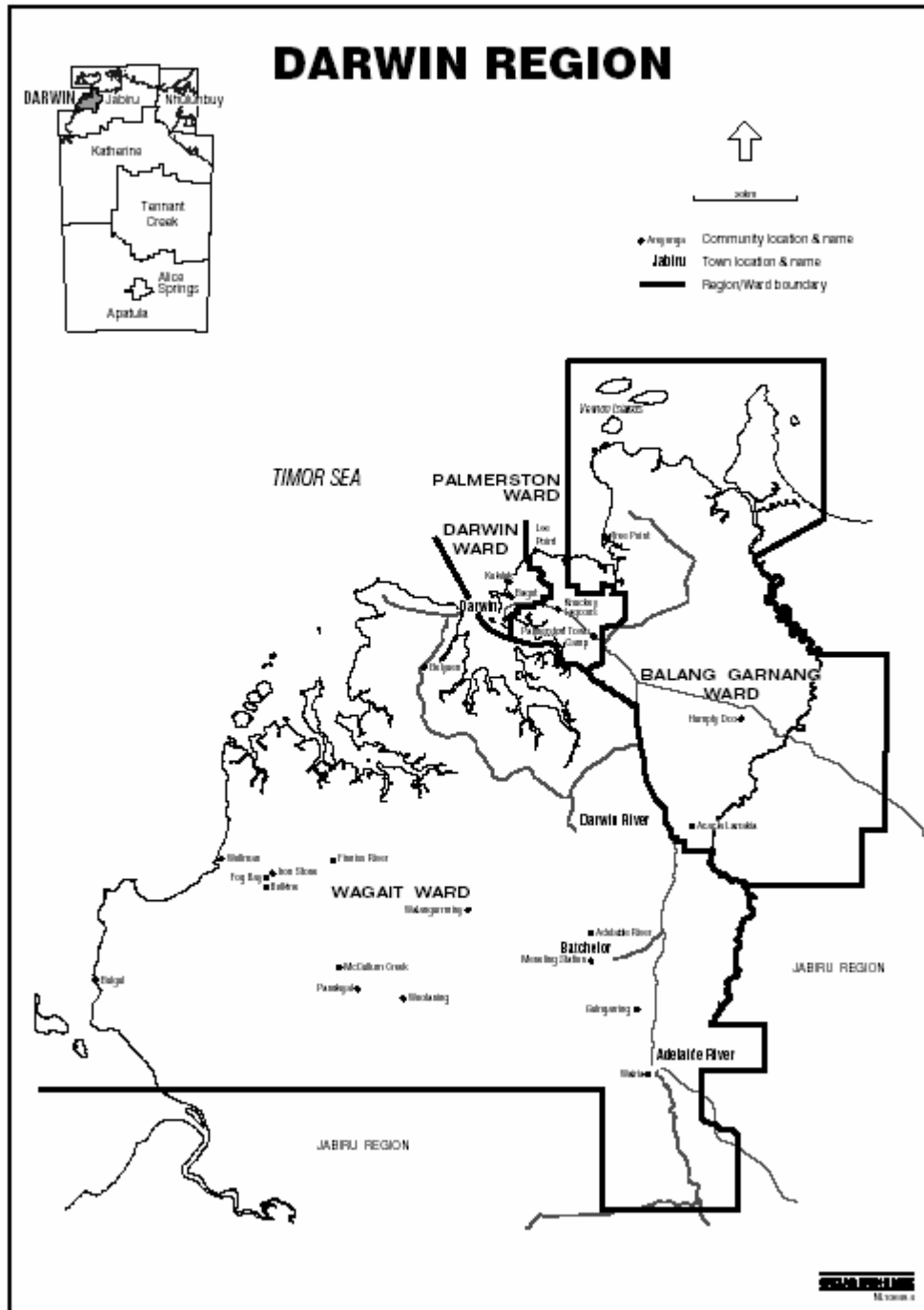
The 1996 census figures show that in the Darwin Region 30% of Indigenous people owned or were purchasing their homes compared to 55% of non-Indigenous people. For households with Indigenous occupants the average household size was 3.6 persons per dwelling compared to 2.8 for dwellings with non Indigenous occupants.

### **Mortality**

ABS mortality data current in December 2002 revealed that from 1997 to 2001, there were 279 deaths of Aboriginal and Torres Strait Islander residents of the Darwin ATSI Region. 55% were female and 45% were male and 38% of the deaths were amongst those aged 45 to 64 years.

Circulatory disease, external cause (injury) and cancer were the most common causes of deaths. Circulatory, nutritional/metabolic, respiratory, genitourinary and digestive diseases were more common causes of death in females whilst external cause and perinatal deaths were more common in males.

Perinatal deaths were the most common causes of death in the 0-4 year age group and deaths due to external cause (injury) were most common in the 5-24 and 25-44 year age-groups. In both the 45-64 and 65+ year age groups circulatory disease was the most common cause of death with cancer the second most common cause of death in the 45-64 year age-group and nutritional/metabolic diseases the second most common cause in the 65+ year age-group.



## 2. The Aboriginal and Torres Strait Islander Amendment Bill

### 2.1. The ATSIIC Review

Yilli Rreung Regional Council participated in the Review of ATSIIC, along with many other Regional Councils and Indigenous groups. This participation occurred in good faith that there was a process of inquiry which would be followed, that the recommendations of the Review would reflect this input, and that the government would take the recommendations of the review seriously.

While the Review Team was critical of ATSIC, it made recommendations aimed at overcoming past deficiencies and strengthening ATSIC for the future. This Council supports the basis for the recommendations of the review panel 'that ATSIC should be the primary vehicle to represent Aboriginal and Torres Strait Islander peoples' views to all levels of government and to be an agent for positive change in the development of policy and programs to advance the interests of Aboriginal and Torres Strait Islander Australians.'<sup>1</sup> In essence the review was in favour of strengthening ATSIC. The Review did not recommend the abolition of ATSIC. This Council does not support the abolition of ATSIC.

## 2.2. Consultation

The ATSIC amendment bill was developed without reference to the ATSIC elected representatives or the Indigenous community. As stakeholders in this outcome, all Australians, and specifically Indigenous Australians should have been closely consulted on their views for the new structure.

This approach is an insult to those who participated in the review and sets a dangerous precedent of policy making without reference to stakeholders.

## 2.3. Abolition of Regional Councils

There is no basis to abolish Regional Councils. Since its implementation, Yilli Rreung Regional Council has been integral to passing on the views of Indigenous people in the Darwin Region and enabling their participation in change. For example, despite all of the uncertainty faced by the ATSIC and Regional Councils in the last year, this Council is proud of the following achievements:

- ◆ A series of community consultations as part of the development of the Regional Plan for the Region.
- ◆ A series of Advisory Committee meetings under section 96 of the *ATSIC Act* to engage relevant stakeholders and agencies and inform Council on development of policies for the following issues:
  - Law and Justice;
  - Health and Education;
  - Economic Development; and
  - Governance.
- ◆ Advocacy including:
  - Participation in the Indigenous Housing Association of the NT;
  - Publicly highlighting the increase in indigenous incarceration in the NT and the lack of appropriate rehabilitation programs for prisoners. This resulted in securing over \$700,000 for such programs in the NT;

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<sup>1</sup> *In the Hands of the Regions – A New ATSIC*: Report of the Review of the Aboriginal and Torres Strait Islander Commission, November 2003, p 24

- Arranging meetings with the Chief Magistrate of the NT and a number of key stakeholders in relation to the development of an Aboriginal court for Darwin;
  - Participation in the Project Management Committee of the Community Harmony Strategy (Formerly Itinerants);
  - Numerous radio and television interviews on these issues.
- ◆ Written Submissions to a number of inquiries including:
    - The ATSIC Review
    - The Senate Legal and Constitutional Inquiry into Legal Aid and Access to Justice;
    - The Review of the NT *Community Welfare Act*
    - The Northern Territory Review of Corrections
    - The Review of the NT *Juvenile Justice Act*
    - The Commonwealth Parliament Joint Committee of Public Accounts and Audit Indigenous Law and Justice Inquiry
  - ◆ Negotiation of Partnerships including:
    - Indigenous Justice Agreement;
    - Statement of Commitment with NT Government.
  - ◆ Hosting public forums including:
    - Youth Forum: *Today's Youth, Tomorrow's Elders*
    - Alternative Sentencing Forum: *Aboriginal Courts in the Darwin Region*
    - Indigenous Women's Conference *Our Indigenous Women Speak Out*
  - ◆ The completion of a draft Regional Plan for the Region, with the launch scheduled for 1 September 2004.

### **3. The proposed administration of Indigenous programs and services by mainstream departments and agencies.**

#### **3.1. Consultation**

The *ATSIC Act* remains intact. This Act includes the objectives to:

- Ensure maximum participation of Indigenous Australians in the formulation and implementation of government policies that affect them.
- Ensure co-ordination in the formulation and implementation of policies affecting Indigenous Australians by the Commonwealth, State, Territory and local governments.

New arrangements in the administration of Indigenous programs and services have been developed and introduced without the participation of Indigenous Australians through the peak elected indigenous advisory structure, ATSIC. This is a fundamental flaw in the process of

development of these arrangements and will seriously undermine their credibility and effectiveness.

### 3.2. Time frames

The time frame for the wholesale transfer of AT SIS staff to mainstream agencies, from April to June 2004, has been unrealistic. The prior changes of separating ATSIC and AT SIS occurred in a similarly rushed fashion, causing great confusion. This recent change has been unnecessarily and unreasonably short. This is indicated by the fact that although staff have been transferred to agencies from the Darwin Office, some staff have not physically relocated as the agencies are not equipped or prepared to receive them. The lack of a considered approach will not result in improved outcomes in the medium term, and may result in an increase in Indigenous disadvantage in the long term.

### 3.3 Resources of Regional Councils

Regional Councils have lost valuable resources available to them since the administrative mainstreaming. The mainstreaming has resulted in most AT SIS staff being 'mapped' to other agencies. This has removed the following resources from this Regional Council:

- A pool of State Policy Centre staff who were available to represent the elected arm and research and provide specialist advice on priority policy areas, such as Education, Health, Law and Justice, Governance and Economic Development;
- Women's Issues Policy Officer located with Yilli Rreung Regional Council and North West Regional Governing Council who was responsible for the Women's Advisory Committee to Council and assisting Council in providing briefings on women, Children and youth issues and actioning the requests of Council on these issues;
- Executive Officer Level 1 who oversaw the management of the Policy and Advocacy Unit which services and supports the Yilli Rreung Regional Council and North West Regional Governing Council; and
- A Communications Officer for the NT North Zone who provided media advice, support and assistance to the elected arm.

The loss of these staff has diminished the ability of Council to be fully conversant of issues affecting the people we represent.

### 3.3. Coordination of Services

Council supports the philosophy of better coordination of services through collaboration with and among key agencies. Unfortunately, the mechanism for this coordination has not been made clear. Initially, Council was advised that there would be an Indigenous Coordination Centre ('ICC') in Darwin. Then Council was advised that there would be no ICC in Darwin. Council wrote to Minister Vanstone on 31 May 2004 advising of our concern about the lack of an ICC in Darwin and requesting:

- information about the rationale for deciding that Darwin does not warrant an Indigenous Coordination Centre;

- the opportunity to respond to this rationale.
- information about what the coordinating structure will be in those regions where there are no Indigenous Coordination Centres.

Although the Minister has not responded to these requests, we have learned from the transcript of this Inquiry<sup>2</sup> that the government is looking at a special arrangement for Darwin which has officers from a number of agencies located in that coordination centre.

Unfortunately DIMIA has not engaged the Regional Councils in this process and Yilli Rreung Regional Council are left in the dark about what their place is in the development of this structure and its future operations. We believe that Council should be involved at every stage.

#### **4. Related matters**

##### **4.1. Roles of Regional Councils**

Council agrees that roles of Regional Councils need to be strengthened. Council made the following recommendations to the ATSIC Review in June 2003:

- That the Commonwealth Government involve ATSIC in agreements between the Commonwealth and the Territory.
- A statutory requirement that both Commonwealth and State/Territory Governments involve Regional Councils in the development of all policies and programs.
- An increase in resources to allow Regional Councils to fulfil the goal of monitoring and reporting on performance.
- State/Territory/Local Government agencies should identify their outcomes in consultation with Regional Councils. Government agencies should then allocate funds according to these plans and negotiated outcomes.
- Government agencies should report to Regional Councils on progress in achieving outcomes.
- Funding to the Commonwealth and State and Territory Governments should be conditional on the requirements of transparency in relation to the method by which monies are expended, and accountability in relation to planned outcomes. For example, the *Learning Lessons* review into Indigenous Education in the NT found that while funds were earmarked for Indigenous Education, much of those funds were not expended as targeted.

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<sup>2</sup> 29 June 2004, pp 32 - 33



## **5. Conclusion**

There are many challenges ahead for Indigenous affairs. The way forward is neither clear nor simple. ATSIC had many flaws which were recognised by the ATSIC Review. ATSIC also delivered many positives and the engagement and participation of the Indigenous community in program and policy development was an important achievement.

The proposals of this government in relation to the administration of Indigenous affairs have been politicised, rushed and lacking in forethought. Even worse, they fail to recognise the importance of participative planning practice of involving key stakeholders in decision making on issues affecting them. It is the view of this Council that the recommendations of the ATSIC Review should be implemented. Such implementation is the only process which has legitimately consulted with and engaged the community. It contains positive recommendations to improve the existing structure rather than a negative model based on paternalism and exclusion.

Kimberley Hunter  
Chair