



ACSJC

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**Submission to the Senate Select Committee on the
Administration of Indigenous Affairs Inquiry into the
*Aboriginal and Torres Strait Islander Commission
Amendment Bill 2004***

The Australia Catholic Social Justice Council ('ACSJC') was established by the Australian Catholic Bishops' Conference ('ACBC') in 1987 as the national justice and peace agency of the Catholic Church in Australia. The ACBC mandates the ACSJC to promote research, education, advocacy and action on social justice, peace and human rights. The ACSJC is accountable to the ACBC through the Bishops' Committee for Justice, Development, Ecology and Peace.

The ACSJC is grateful for this opportunity to lodge a brief submission with the Senate Select Committee on the Administration of Indigenous Affairs regarding the *Aboriginal and Torres Strait Islander Commission Amendment Bill 2004*.

The ACSJC wishes to use this opportunity to register some concerns regarding the proposed alternative arrangements to the Aboriginal and Torres Strait Islander Commission ('ATSIC') under the following Terms of Reference of this Inquiry:

- b) the proposed administration of Indigenous programs and services by mainstream departments and agencies; and*
- c) related matters.*

The ACSJC and the National Aboriginal and Torres Strait Islander Catholic Council (NATSICC) have raised these concerns in a joint media statement that was issued on Monday 31 May 2004, during Reconciliation Week and the Week of Prayer for Reconciliation. The ACSJC has consulted with NATSICC in the preparation of this submission.

Background

On Thursday 15 April 2004, Prime Minister John Howard and the Minister for Immigration and Multicultural and Indigenous Affairs, Senator Amanda Vanstone, announced the introduction of legislation to abolish ATSIC. The intentions of the Federal Government are for:

- the abolition of ATSIC by 1 July 2004;
- the abolition of ATSIC Regional Councils by 1 July 2005;
- the mainstreaming of services currently administered by ATSIC to other Government departments and agencies; and
- the appointment of an advisory body of distinguished Indigenous people to be consulted by the government of the day.¹

The Federal Opposition had earlier revealed its intentions to abolish ATSIC. On Tuesday 30 March, Opposition Leader Mark Latham and the Shadow Minister for Reconciliation and Indigenous Affairs, Senator Kerry O'Brien, released the ALP policy, *Opportunity and Responsibility for Indigenous Australians*, highlighting plans for:

- the abolition of ATSIC;
- the establishment of a new framework for Indigenous self-governance and program delivery with a focus on regional partnerships; and
- the establishment of a new directly elected national representative body.²

The stated policy intentions of both major parties and the legislation now before this Committee were prompted in large part by the November 2003 Report of the Review of ATSIC, *In the Hands of the Regions – A New ATSIC*.

As the title of the Report indicates, while significant challenges have been facing ATSIC in terms of regaining the confidence of its constituents and the broader community, the response to such a challenge would be best achieved by giving greater control of ATSIC to Indigenous people at the local and regional levels – with a significant role for the 35 existing regional councils.

We note, in a statement by the Minister for Immigration and Multicultural and Indigenous Affairs on 30 June 2004, that proposed reforms are already proceeding. From July 1, the Federal Government has transferred over \$1 billion of ATSIC/ATSIS programs to mainstream Government agencies and around 1,300 staff are being deployed to various Commonwealth Departments.³

Key Concerns

Mainstreaming administration and services

The Minister has announced that the mainstream Departments will be more accountable in the delivery of services, more co-ordinated between different levels of Government and among Government Departments, and interface more effectively with regional and local communities through Indigenous Coordination Centres and the establishment of regional Partnership Agreements.

Despite these undertakings, there are real and justifiable concerns about the mainstreaming of Indigenous-specific programs as a consequence of the Bill. The

¹ Prime Minister the Hon John Howard & Sen. The Hon Amanda Vanstone, 15 April 2004, Transcript of Joint Press Conference, Parliament House, Canberra.

² Opposition Leader Mark Latham & Sen Kerry O'Brien, 30 March 2004, Policy Statement – “Opportunity and Responsibility for Indigenous Australians”.

³ Sen. the Hon Amanda Vanstone, Media Release, 30 June 2004, “Australian Government Changes to Indigenous Affairs Services Commence Tomorrow”.

reallocation of staff and programs to a broad range of Government portfolios⁴ will dissipate the administration and may reduce the effective delivery and monitoring of these services.

This concern is supported by the findings of a recent Legal and Constitutional References Committee Inquiry. In the Committee's October 2003 Report, *Reconciliation: Off track*, significant problems relating to the performance and monitoring of 'mainstream' services were identified. The Committee noted that despite the entrenched levels of disadvantage experienced by Indigenous people, "they access mainstream services at very much lower rates than non-Indigenous people, and certainly at much lower rates than would be expected for a group with such high levels of disadvantage".⁵

The following observations were raised about deficiencies of mainstream services. These observations are worthy of consideration in relation to the mainstreaming of ATSIC/ATSIS programs to a broad range of Government portfolios:

- the mainstream Commonwealth programs do not adequately meet the needs of Indigenous people due to barriers to access resulting from a range of issues including poor program design, funding problems and user costs;
- the slow progress at all levels of government in establishing action plans, service delivery performance monitoring strategies and benchmarks to overcome Indigenous disadvantage (as agreed to by Council of Australian Governments and Commonwealth/State Ministerial Councils); and
- the need for a higher level of participation of Indigenous people in decisions affecting funding distribution and service delivery.

It is suggested that these observations concerning deficiencies in mainstream services, inadequacies in monitoring standards, and issues of 'client' participation need to be considered with regard to the Indigenous-specific services that will now be decentralised in their administration at the Departmental level.

The ACSJC is aware that Indigenous-specific services, with significant input from regional and local communities and effective community governance arrangements, are important in providing choice to Indigenous communities, ensuring cultural sensitivity and often compensating for the inaccessibility of mainstream services.

It is suggested that any arrangements to mainstream the administration of these programs and services to a range of Government portfolios would need to ensure against: distance decision making; loss of Indigenous knowledge and leadership in the decision making process; administrative or other impediments restricting the development of initiatives coming from Aboriginal and Torres Strait Islander communities; the delivery of services in a culturally inappropriate manner; and the imposition of standardised policies and programs that are ill-suited to regional and local community needs.

A merely 'advisory' voice on Indigenous Affairs

The ACSJC holds major concerns about the impact of the Federal Government's proposed reforms on the ability of Indigenous people to have a strong and effective voice in

⁴ including: employment and workplace relations; family and community services; communications; immigration and multicultural and Indigenous affairs; health and aging; finance; Attorney-General's

⁵ Senate Legal and Constitutional References Committee, 2003, *Reconciliation: Off track*, Report, Commonwealth of Australia, Canberra, pp.57f

Indigenous Affairs. The Government's expressed belief that the independent elected representation of Indigenous people has been a failed 'experiment' is regrettable.

This organisation believes that it is a retrograde step to go from an elected body providing Indigenous representation to an appointed one that can offer only advice. The importance of maintaining an elected representative voice in any process of addressing deficiencies in the operation of ATSIC is evident in the recommendations of the November 2003 Report of the Review of the Aboriginal and Torres Strait Islander Commission.

The proposed alternative of "a government-appointed group of distinguished Indigenous people to advise the Government on a purely advisory basis in relation to aboriginal affairs"⁶ would be inadequate to the tasks of representing the needs of a sizable nationwide constituency and making direct and influential contributions to decision-making and policy development in Indigenous Affairs.

The advisory nature of the proposed body does not denote any commitment by the Government to heed or act upon the advice of Government-appointed members in the processes of policy making and service delivery. Nor is it clear that an appointed advisory body will ensure the adequate representation of diverse Aboriginal and Torres Strait Islander cultures and experiences throughout Australia.

The ACSJC holds, both as a matter of principle and as a practical concern, that a democratically elected body would be more successful in representing a diverse national constituency than a government-appointed body.

The Federal Government's lack of consultation and negotiation with Indigenous people in coming to the decision about the appointment of an advisory body has been regarded by many as disempowering and undermining self-determination for Indigenous people.

The ACSJC holds that a strong, representative and influential voice for Indigenous people and communities is vital for the process of addressing the entrenched economic and social disadvantage highlighted below.

Social and economic challenges

Most Australians would be aware to some degree of the social and economic challenges facing Aboriginal and Torres Strait Islander communities. However, the degree to which Indigenous people experience disadvantage relative to the broader population would still shock many people. The ACSJC believes that the extent of these challenges should remain a significant focus in any discussion or plan for reforms in the area of Indigenous Affairs.

The life expectancy of Indigenous people is approximately 20 years less than for the total Australian population. Mortality rates among Aboriginals and Torres Strait Islanders are significantly higher than for the general population for almost all causes of death for every age group – with the Indigenous mortality rate at the peak of adult life being three to four times higher than that of all other Australians.

Indigenous households account for around 30% of all households living in impoverished dwellings. Around 30% of Indigenous households own or are in the process of buying their homes as compared to 70% of non-Indigenous households.

⁶ Prime Minister the Hon John Howard & Sen. The Hon Amanda Vanstone, 15 April 2004, Transcript of Joint Press Conference, Parliament House Canberra.

More than one fifth of working aged Aborigines and Torres Strait Islanders are unemployed. This compares with the national average of around 6%. The labour force participation rate for working age Indigenous people is 50% as compared to 70% for non-Indigenous people. More than 34,000 Indigenous people are involved in the government-funded Community Development Employment Project (i.e. a subsidized community employment scheme). Without this project the Indigenous unemployment rate would jump dramatically to around 40%.

An important predictor of employment is education and the holding of a post school qualification. The unemployment rate for Indigenous people without this level of qualification is three times higher than for those with a degree or diploma.

The school retention rates to Year 12 for Indigenous males is 34% compared to 71% for non-Indigenous males. For Indigenous females the retention rate was 42% compared to 82% for non-Indigenous females. Overall, only 12.5% of Indigenous Australians have attained a post secondary school qualification – compared to 33.5% for non-Indigenous people.

The median gross weekly household income for Indigenous people is around \$280 compared to \$500 for non-Indigenous households. Median gross weekly individual income for Indigenous people is \$226 compared to \$380 for non-Indigenous Australians.

Incarceration levels among the Australian Indigenous community remain very high. While Indigenous people represent 2.4% of the population, they represent 20% of the total prison population of Australia. The imprisonment rate for Indigenous adults is 16 times that for non-Indigenous adults.

In 2002-2003, Federal Government spending on Indigenous Affairs was in the order of \$2.7 billion. In 2004 – 2005, this amount will increase to \$2.9 billion. This funding commitment is portrayed as being ‘the highest amount ever by an Australian Government’.

There is no doubt that, with the State and Territory Governments, the Federal Government does fund a significant range of initiatives to improve the access of Indigenous citizens to health, housing, education, employment and other social services. Despite these initiatives, however, Indigenous people continue to fall far behind the broader Australian community on almost every economic and social indicator of need.

Concluding Statement

With these issues in mind, the ACSJC holds that it is most important that Indigenous people and their communities have strong and independent representation and a central involvement in national policy and service delivery in the area of Indigenous Affairs.

This is important in terms of making substantial inroads into addressing entrenched disadvantage. It is also of great importance in terms of progressing National Reconciliation, the practical and symbolic aspects of which must be founded on genuine dialogue and mutual respect.

The Australian Catholic Bishops, in their recent statement *Having Faith in Our Democracy: Building a Better Australia*, have raised these same concerns:

Aboriginal and Torres Strait Islander peoples still suffer disadvantage compared with other Australians. Experience has taught that the delivery of services to Indigenous peoples is least effective when the peoples themselves

*play no significant part in the process. Those who have had little say in what happened in their past must be encouraged and assisted to shape their future. The quest for reconciliation between Indigenous peoples and the rest of the Australian community must move forward in a spirit of genuine dialogue which seeks to heal wounds both past and present.*⁷

The ACSJC is grateful for this opportunity to lodge a brief submission with the Senate Select Committee on the Administration of Indigenous Affairs.

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⁷ Australian Catholic Bishops Conference, 2004, *Having Faith in Our Democracy: Building a Better Australia*, Pre-election Statement, ACBC, Canberra.