

ATSIC

Submission

to the

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

Garrak-Jarru Regional Council

Katherine NT

Senate Select Committee on the Administration of Indigenous Affairs

Terms of Reference

1. The provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;
2. The proposed administration of Indigenous programs and services by mainstream departments and agencies; and
3. Related matters.

Introduction

The Garrak-Jarru Regional Council were very pleased with the establishment of the Senate Select Committee on the Administration of Indigenous Affairs and its ensuing inquiry. We welcome the opportunity to put our views forward by way of this submission.

Garrak-Jarru Regional Council would like to bring to the attention of the Select Committee **the time frame bestowed on us for this process has been too short** to properly consider all issues relating to the terms of reference, add to this the sheer lack of available resources (human) and support from DIMIA due to the recent changes, etc.

Garrak-Jarru Regional Council will use the terms of reference which has been outlined by the Senate Committee, as a basis for its submission. The views put forward are generally those expressed by Council although it should be noted that this submission is yet to go to Council for full ratification at its next planned meeting in early September, 2004.

Garrak-Jarru Regional Profile

The name Garrak–Jarru is the formulation of names contributed from the sunrise and sunset language groups of the Katherine region. “Garrak” means Black Cockatoo and comes from the Jawoyn language and “Jarru” comes from the Warlpiri language meaning everybody talking together.

The Garrak-Jarru Regional Council came into existence in 1993 following the amalgamation of the former Victoria River and Mulgun Regional Councils.

Regional Area and Communities

The Garrak-Jarru region covers an area of approximately 355,000 square kilometres in the mid-north of the Northern Territory sharing state boundaries with Queensland and Western Australia. Its Northern boundary is above the town of Katherine. The township of Pine Creek is also included and borders the Jabiru and Miwatj ATSIC regions, while its Southern boundary borders the Yapakurlangu and Central remote ATSIC council region.

The major population centre in the region is the town of Katherine and other centres include;

- Manyallaluk, Barunga, Beswick, Jilkminggan, Bulman, Ngukurr and Borroloola to the east of Katherine;
- Mataranka, Larrimah and Daly Waters to the south;
- Binjari, Timber Creek, Bulla, Yarralin, Pigeon Hole to the west; and
- Kalkaringi and Lajamanu to the south-west;

Physical Nature of the Region

The physical geography of the region is quite diverse ranging from desert to tropical savannah. Climatic conditions range from tropical in the north to semi-arid in the south. Much of the topography of the area comprises limestone karst and sedimentary plateau criss-crossed by rivers and creeks. The Katherine –Daly river system flows north-east from the centre of the ATSIC region (around Katherine) to Anson Bay, the Victoria river system lies west of Katherine and flows north to the Joseph Bonaparte Gulf, the Roper and McArthur river systems lie in the east of the region and flow to the Gulf of Carpentaria. The entire region suffers from periodic flooding during the wet season (January to May).

Population

The Garrak-Jarru Region has the third largest Indigenous population of the ATSIC regions in the Northern Territory. The Indigenous population of the Garrak-Jarru Region in 2001 was 7,834 representing 41% of the total population of the Region. The median age of the population was 21 years compared to 36 years for the non-Indigenous population of the Region (i.e. half of the Indigenous population in the Region is 21 years old or less). The Indigenous median age was 2 year higher than in 1996 while the non-Indigenous median age was 4 years higher. Major communities in the Garrak-Jarru region are Ngukurr (1255 people), Lajamanu (713 people) and Borroloola/Robinson River (1086 people).

It should be noted that these statistics include populations for outstations associated with the community and may under-estimate the actual number of Indigenous people living in the Garrak-Jarru ATSIC region at any given time. Two reasons for this are that survey processes have difficulty in reaching all indigenous people and the number of people identifying as Indigenous is increasing from year to year.

Prior to European contact the ATSIC Katherine Region contained about 126 different traditional Aboriginal societies and cultures. These differences are still important today but have been mediated according to the varying degrees of dispossession of land and culture following European settlement and recent activity by governments and Indigenous organisations and communities.

The diverse physical geography of the region also plays its part in shaping the lives of the people. Many Indigenous people live in remote, isolated communities or outstations that can be cut-off by floodwaters. This causes many people to travel to larger population centres during the wet season leaving their land, homes and related infrastructure unoccupied. It also means that people need to maintain social, cultural and economic links with those other centres. One example is Amanbidji in the west of the region. It has a service population of 150 people and is usually cut-off for road access for four months of the year. As a consequence, many people concentrate in the town of Katherine at that time.

The contemporary circumstances and past experiences of the Indigenous people in the region are well summed up by the following statement from the Indigenous Land Corporation:

People whose country, by its physical nature or remoteness, held little apparent economic potential were left relatively unscathed by the ravages of early pastoral occupation and so retained strength in language, knowledge of country and traditional social structures. Groups elsewhere however, have suffered the full range of consequences common throughout other parts of the country ranging from the breaking up of family and traditional links, destruction of

language and cultural practices, alienation from traditional lands, annihilation of localised land-holding groups, desecration of sacred sites and despoiling of traditional food resources (1996, p. 17).

More recently, Indigenous people in the region have had some success in asserting their rights to land and self-determination. Numerous successful land claims have been lodged; many people have taken on the management of their own communities and several successful business enterprises developed. One of the best known of these is Nitmiluk Tours. This is a joint venture operating in the Katherine Gorge (Nitmiluk National Park) on a 50:50 basis between the Jawoyn Association and Travel North.

Other industries that Aboriginal people have become involved in are:

- Mining Joint Venture
- Pastoral Industry
- Tourism and Fishing
- Arts and Crafts
- Horticulture and Farming

Major Indigenous Enterprises are :

Nitmiluk (Katherine Gorge) National Park - returned to the traditional owners, the Jawoyn people in 1989 and immediately leased back to Parks & Wildlife Under this arrangement Nitmiluk National park is run by a board of management with Jawoyn majority membership and Jawoyn Chairperson, plus nominees from the Northern Territory Government.

Manyallaluk Tours – Is situated at the Manyallaluk Community south east of Katherine. This offers cultural tours and is the recipient of the prestigious Northern Territory Brolga Awards.

Timber Creek Wayside Inn – is owned and operated by the Indigenous people of the living in the Timber Creek area. The complex offers accommodation and camping facilities as well as a supermarket and tavern.

Aboriginal Aircraft Services – The communities of Lajamanu and Ngukurr have Airline services, which are Aboriginal owned and controlled.

These enterprises provide excellent illustration of the potential of Indigenous people to develop economic independence and contribute to the regional and national economy.

Indigenous Communities have also established many enterprises on a smaller scale within their communities to develop economic independence.

Indigenous Cultural/Language Groups

The 2001 ABS Census of Population and Housing records that 4,395 Indigenous people in the region speak an Indigenous language, 6123 people do not and 2,759 speak only English. Outlined below are some of the major language groups in and around the ATSIC Katherine Region:

<i>Murinpata</i>	<i>Jaminjung</i>	<i>Miriwung</i>
<i>Kajerong</i>	<i>Ngariynman</i>	<i>Malngin</i>
<i>Warlpiri</i>	<i>Nungali</i>	
<i>Ngaliwurru</i>		
<i>Bilinarra</i>	<i>Gurindji</i>	<i>Mudburra</i>
<i>Karangpurru</i>	<i>Wardaman</i>	<i>Dagoman</i>
<i>Jawoyn</i>	<i>Mayali</i>	<i>Yangman</i>
<i>Mangarrayi</i>	<i>Jingili</i>	<i>Alawa</i>
<i>Ngalakan</i>	<i>Ngandji</i>	<i>Ritharngu</i>
<i>Warndarang</i>	<i>Yanyuwa</i>	<i>Mara</i>
<i>Binbinga</i>	<i>Arrernte</i>	
<i>Anmatyerre</i>		
<i>Garawa</i>	<i>Luritja</i>	
<i>Rembarnga</i>		
<i>Ngalkbon</i>	<i>Warumungu</i>	<i>Waanyi</i>
<i>Mialli</i>	<i>Warlmanpa</i>	<i>Jingili</i>
<i>Gurdanji</i>	<i>Yanyuwa</i>	<i>Ngandji</i>

Many Indigenous peoples in the region also speak Kriol. Kriol is a relatively recent development following the diminution and loss of traditional languages and there is some dispute as to whether or not it should be recognised as a separate language. Kriol serves as a lingua franca among many Indigenous people of the region and has recently been recognised as a language by the Commonwealth of Australia. Nonetheless, many elders consider it a language without prestige, one, which denies its speakers their true culture and identity. There are also many among the non-Aboriginal population who considers Kriol a ‘rubbish’ language.

Electoral Provisions

The region is sub-divided into 5 wards for electoral and administrative purposes and voters elect 11 representatives to the Garrak-Jarru Regional Council. The numbers elected from each ward vary as follows;

- 2 Councillors from **Ward 1** (Victoria River region representing communities including Timber Creek, Daguragu, Yarralin and Kalkaringi).
- 1 Councillor from **Ward 2** (Northern Tanami Desert and Lajamanu area).
- 3 Councillors from **Ward 3** (Katherine town and surrounding area).
- 2 Councillors from **Ward 4** (Barunga, Bulman, Jilkminggan and south along the Stuart Highway).
- 3 Councillors from **Ward 5** (Ngukurr, Borroloola and Robinson River area).

Education

Five percent (240) of Indigenous people aged 15 years or over indicated they had tertiary qualifications compared to 42% of the non Indigenous population of the Region. The Indigenous figure had risen by 71 since 1996 with the rate increasing by 1% point. A further 70 Indigenous people aged 15 years or over were studying for a tertiary qualification indicating a continuing increase in qualification rates in future years.

The overall school participation rate for indigenous students in the region was calculated at around sixty percent, with the majority of students attending primary school. The 2001 Census indicates low attendance numbers at Secondary Schools in the region.

Employment

317 Indigenous people in the Garrak-Jarru Region were unemployed, 1,842 people were employed giving an unemployment rate of 15% for Indigenous people in the Region. The Indigenous unemployment rate was 16% in 1996. Employment participation rates for Indigenous people were lower than for the total population (47% compared to 72%). Participation rates had fallen by 2% points for both populations.

Many Indigenous people find employment with community organisations as office workers, health workers, teachers, plant operators, stockmen, rangers, night patrol officers, mechanics and community store

workers. A total of 1880 job places are offered through the Community Employment Development Program.

Income

The median Indigenous family income was \$413 per week compared to \$1,188 for non-Indigenous families. The lower incomes are the result of lower employment rates, employment in lower paying occupations and the younger age of the Indigenous population.

Health

Health statistics in the Garrak-Jarru region reflect health trends common to other Indigenous regions. A large proportion of regions indigenous population suffered from long-term illnesses such as high blood pressure, ear or hearing problems, kidney problems, diabetes, heart problems and asthma.

Housing

In the Garrak-Jarru Region, 8% of Indigenous people owned or were purchasing their homes compared to 40% of non-Indigenous people. Many Indigenous people live in community housing for which rent is paid. The Indigenous rate was 1% point lower than in 1996. For households with Indigenous occupants, the average household size was 3.9 persons per dwelling compared (4.0 in 1996) to 2.4 for dwellings with no Indigenous occupants (2.5 previously).

Note: The Indigenous population referred to in this document covers those people who indicated they were of Indigenous origin on the Census of Population and Housing conducted by the Australian Bureau of Statistics in August 2001.

1. The provisions of the Aboriginal and Torres Strait Islander Amendment Bill

The Garrak-Jarru Regional Council does not support the Bill in its current form.

Representation

The Bill provides for the abolition of ATSIC, namely the Commission by 30 June 2004 and Regional Councils by 30 June 2005. It effectively banishes elected representation of Indigenous people in respect to Governments in the development and delivery of policies, programs and services to Indigenous people. We believe this to be in breach of a fundamental human right as Indigenous peoples living in a democracy, to have a fair and proper say in our futures.

It is very disempowering for us to be stripped of our right to choose who should advocate and participate on our behalf in the development and delivery of policies, programs and services. Experience has shown us that past and present day Governments, Ministers and their Agencies who have acted ignorantly of Aboriginal people, have been incapable of overcoming Indigenous disadvantage in all areas of life of Indigenous people in this country. Every social indicator on Indigenous peoples status in Australia today, and in the past confirms and reinforces this type of approach has not worked.

A recent news article on ABC Online, reinforces our claim and quotes, “Annan calls for more effort to empower Indigenous people. UNITED NATIONS SECRETARY-GENERAL Kofi Annan has marked the 10th anniversary of World Indigenous People’s Day saying governments, organisations and society must work to empower Indigenous people and ensure their participation in decisions that affect their lives”.

Along with the Amendment Bill the Government is also proposing, among other things, an Indigenous Advisory Council that will consist of selected “distinguished” Indigenous people appointed by Government. This is their way of ensuring there is **PART**icipation. At best this group of Indigenous people will be advisors to government. Does this mean that the Government will choose to listen to them only when it suits them? We know from experience this will most certainly be the case.

This Regional Council does not support the concept of an Indigenous Advisory Council. During the ATSIC Review conducted by B. Collins, J. Huggins and J. Hannaford last year, this Council recommended to this Review Team that ATSIC should continue as the peak representative body for Indigenous people in this country. An Indigenous advisory council selectively appointed by Government will not have legitimacy and authority in the eyes of the majority of Indigenous people in Australia as no small group of people can speak on everyone’s behalf on any issue. This will mean that any participation by this advisory group will be very restrictive on their part and will pose further problems for Government and ultimately Indigenous people.

We are presently aware that during the course of its work the Select Committee has found there is little support for ATSIC. **This Council submits to the Australian Senate, through the Select Committee that at the very least, in acknowledging our rights as Australia's first peoples, there must be appropriate structures put in place to ensure representation and proper participation at local, regional and national levels.**

As a Regional Council we are confident that we have achieved legitimacy with our people in the region by basically getting results for people and working hard together. The question is asked, why our Council should be replaced. To use an old adage, "If it ain't broke, why fix it". **This Council believes the Select Committee should look for flexibility of structures in regions in terms of representation and service delivery.**

Consultation

The Government, in preparing its Amendment Bill has not bothered to properly consult with Indigenous people. If ATSIC is to be abolished then whatever arrangements are considered must be through a process of full and proper consultation and negotiation with Indigenous Australians. **This Council would like the Select Committee to support this imperative.**

2. The proposed administration of Indigenous programs and services by mainstream departments and agencies.

The new arrangements

Coordination

This Council welcomes the Government's attempts to better coordinate the delivery of programs and services for Indigenous people. It stands to reason that maximising and coordinating investment opportunities for our Organisations and Communities will essentially mean many of the programs and services (investments) will have a far greater chance of achieving their intended outcomes. Too often we have seen programs that have worked very well in overcoming Indigenous disadvantage only to see them become starved of the necessary resources and coordination with other programs thus, not achieving the outcomes as a result. However, the proof will be in the pudding and it remains to be seen if this initiative will work properly for Indigenous people for we are mindful of the organisational cultures that exist within these commonwealth agencies that may prove to be somewhat of an impediment.

Consultation and the mainstreaming effect

Whilst improved coordination of program and service delivery is welcomed there has been absolutely no consultation with Indigenous people in this region (to say the least) by the Government on these new arrangements.

This Regional Council opposes the mainstreaming of ATSIC programs under the new arrangements, not simply because we were not consulted beforehand, it's because we know from real-life experience and authoritative research that mainstream Commonwealth Government Agencies who have responsibility for overcoming Indigenous disadvantage in areas such as Health, Education and Employment have not achieved anything for Indigenous people as a whole.

It could be argued that one of the primary factors related to this non-achievement is their apparent incapacity to consult and negotiate and encourage Indigenous participation in a proper and appropriate manner on policy and program development and service delivery, preferring instead a policy of exclusion.

Furthermore, the ATSIC Review Team of B. Collins, J. Huggins and J. Hannaford in their final report, 2003 basically acknowledges the shortfalls of ATSIC in overcoming Indigenous disadvantage within the program areas that it was responsible for and essentially recommended a reform of ATSIC making it more robust in terms of accountability, capacity and an outcome-getting focus in order for it to attain better results. It must be noted the Review Team consulted widely with Indigenous and non-Indigenous Australia for nearly a year to come up with their final recommendations with not one recommendation made in reference to mainstreaming ATSIC programs.

Under the new mainstreaming arrangements the only form of participation we can see in terms of Government policy, program and service delivery development, post-ATSIC is the Indigenous Advisory Council and we have already commented on the incapacity of this group in this respect. Indeed, the Regional Council's role up to June 30 2005, as proposed by Government is very unclear and given the framework with which these new arrangements will operate in, many of us are not confident we will have any worthwhile role to play (if the Government has anything to do with it) even though our functions (and therefore role) under the ATSIC Act are not planned to be repealed by the Amendment Bill, meaning they will remain in place.

We submit to the Select Committee that this is an unsatisfactory, untenable and unacceptable situation. Under these arrangements it is clear that Ministers and Heads of Agencies and their Delegates will be the decision-makers and will “know what’s best” for Indigenous people.

Clearly, under the Government’s current model Indigenous people are not going to be where it counts most – and that is where the crucial decisions are made. We say emphatically, this is not participation, this will not work, and any significant improvements in our lives will not be gained with this type of process.

Performance Monitoring

There is really no need to elaborate on details to demonstrate the point, but it is well known, certainly in the Indigenous affairs circle that virtually since its inception every aspect of ATSIC’s operations, programs and services has been under intense scrutiny by Governments past and present, more so than most other Government agencies.

This Regional Council is not satisfied that under these new arrangements there will be adequate performance monitoring of all agencies who have responsibility for program and service delivery for Indigenous people, per say. These agencies need to be more accountable and more effective to the Indigenous population, who afterall, are also taxpayers.

Resources for Regional Councils

We have previously mentioned the lack of clarity around the role of Regional Councils up until June 30, 2005. There is also the issue of adequate resources. The government’s new arrangements meant ATSIIS virtually ceased to exist 30 June 2004. Under the old regime of ATSIC and even during the time of ATSIIS the administration staff of ATSIC/ATSIIS provided much needed support to Regional Councils through the Program Administration Support Unit (PASU). Whilst the staff in this unit have been transferred to DIMIA under the new arrangements and continue to support Council with our business, the effects of mainstreaming has meant that we are no longer have access to many other staff with the functions and skills to assist us in our work. For example, we no longer have an EL1 level executive policy officer available to assist with ongoing policy development and advice.

Further, staff who were available in the former State Office, many who were skilled researchers and policy experts have moved into other agencies and are no longer available to Councils. This has severely affected the capacity of Council to carry out its functions effectively. **We ask that the Select Committee seek full clarification of Regional Councils role up to June 30 2005 and that adequate resources are allocated accordingly to allow us to fulfil our functions under the ATSIC Act.**

3. Related Matters

This Council will make a reference to the Northern Territory North Zone Commissioner Ankariyuwu Hill's submission to the Select Committee and support strongly the case he has put forward in relation to **Indigenous Governance and Reforms to public administration**

Michael Berto
Chairperson
Garrak-Jarru Regional Council
Katherine NT
August 2004

Phone: 08 89721433

Address: PO Box 84
Katherine NT 0851