

Sydney Regional Council

Submission to the Select Committee into the Administration of Indigenous Affairs

Representation

The Sydney Regional Council expresses concern at the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004, where it intends to abolish a nationally elected self-determining structure, to be replaced by a Government-selected group of 'representatives'; and concern at moves to abolish a duly elected body without addressing the ramifications for self determination. Should the Bill be passed Indigenous Australians will be left with no duly elected representative voice.

Regional Councils currently perform an important brokering role between communities and governments. Regional Councils are mandated to speak on behalf of their communities and their constituents.

The Report of the Review recommends that ATSIC should be the primary vehicle to represent Aboriginal and Torres Strait Islander peoples views to all levels of government and be an agent for positive change in the development of policies and programs to advance the interests of Indigenous people. The Review also highlighted the need for empowering regions and sought to enhance the role of regional councils.

Government selected appointees raise issues of impartiality in decision making processes. The government can choose who it will talk to and determine which issues are to be discussed thus disenfranchising Aboriginal and Torres Strait Islander people from determining their own agenda.

The Human Rights and Equal Opportunity Commission Social Justice and Human Rights for Aboriginal and Torres Strait Islander peoples Information Sheet describes self determination in the following ways:¹

"The right to self-determination, which is a process where Indigenous communities take control of their future and decide how they will address the issues facing them."

"Self determination:

Self Determination is an 'on going process of choice' to ensure that Indigenous communities are able to meet their social, cultural and economic needs. It is not about creating a separate Indigenous 'state'. The right to self determination is based on the simple acknowledgement that Indigenous peoples are Australia's first people, recognised by law in the historic Mabo judgement.

The loss of this right to live according to a set of common values and beliefs, and to have that right respected by others, is at the heart of the current disadvantage experienced by

¹ HREOC Web Site

² Australian Government (2002) *ATSIC Review – a review of Indigenous participation in the development of Commonwealth Policies and Programs* from www.atsicreview.gov.au

Indigenous Australians. Without self determination it is not possible for Indigenous Australians to fully overcome the legacy of colonisation and dispossession.”

Representative Model

Part of the criticisms of previous representative models and in particular ATSIC was that it did not reflect how communities operate and did not take into account traditional groups.

Attachment “A” is an example of a Model for Indigenous representation, however, this model does not have formal endorsement of the Regional Council.

Some criticism of this model is that in some circumstances people do not know their traditional groups or have become disconnected from them.

Indigenous traditional representation gives greater legitimacy to any representative voice and also future representative structures should formally engage other peak Indigenous Organisations or special interest groups.

Sydney Regional Council is of the opinion that any proposed structure or advisory group must be elected into the positions and must have a mandate on behalf of the Indigenous community.

Any new representative structure must be self regulatory – with the power of removal from office.

Mainstreaming

The Prime Minister announced:

“ATSIC itself will be abolished with immediate effect from the passage of the legislation. The regional councils will be abolished by the 30th of June 2005. ... We will not replace ATSIC with an alternative body. We will appoint a group of distinguished indigenous (sic) people to advise the government on a purely advisory basis in relation to aboriginal (sic) affairs. Programmes will be mainstreamed”

Fundamentally, the Federal Government is proposing and implementing a mainstreaming agenda.

Prime Minister Howard expressed during the media conference:

“We believe very strongly that the experiment in separate representation, elected representation, has been a failure.”

The government’s plans to mainstream Indigenous programs give no detail on how it is proposed to work, no information on how bureaucracies will engage Aboriginal communities, no processes for Indigenous self-determination.

¹ HREOC Web Site

² Australian Government (2002) *ATSIC Review – a review of Indigenous participation in the development of Commonwealth Policies and Programs* from www.atsicreview.gov.au

There is no evidence that the transfer of programs such as health to federal agencies have improved outcomes for Indigenous people. ATSIC was always designed as a supplementary funding agency to fill gaps in the provision of service of the mainstream agencies. It is shameful how governments and government agencies have allowed ATSIC to become the scapegoat for their underperformance in Indigenous programs.

In fact, ample evidence suggests that the mainstreaming of Indigenous services and programs have not lead to any greater improvements in outcomes. Further, Altman and Hunter², drawing on evidence from the practical reconciliation decade, argue that there “*was relative decline over the (practical reconciliation) period in educational and health status*” for Indigenous Australians. Health and Education are the two largest ‘mainstreamed’ portfolio areas.

Mainstreaming appears to have been based, among other things, on the success of COAG trials. How? When, the COAG trials have not been evaluated as yet. All COAG sites are in rural/remote communities, this disregards where the main population base is, the majority of Aboriginal and Torres Strait Islander people live in metropolitan settings, making up 2/3’s of the population base. And from a Sydney Region perspective, 10% of the total Indigenous population of Australia live within the Regional Council boundary.

Mainstreaming of services relies too heavily on ‘goodwill’. How committed are mainstream agencies to support the needs and aspirations of the Aboriginal and Torres Strait Islander community.

ATSIC Review Recommendations

In the hands of the regions – a new ATSIC, with recommendations for reform. The final report found 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.³

They also concluded that ATSIC ‘is in urgent need of structural change’ and that it:

needs the ability to evolve, directly shaped by Aboriginal and Torres Strait Islander

² Altman and Hunter (2003) *Monitoring ‘practical’ reconciliation: Evidence from the reconciliation decade*,

1991–2001 Centre for Aboriginal Economic Policy Research, Australian National University, Canberra – page 12 (from http://www.anu.edu.au/caepr/Publications/DP/2003_DP254.pdf accessed 11.05.04 3.03pm)

³ Hannaford, J, Huggins, J and Collins, B, *In the hands of the regions – Report of the Review of the Aboriginal and Torres Strait Islander Commission*, Commonwealth of Australia, Canberra 2003 (Herein ATSIC Review Report), p24 and Recommendation 2.

¹ HREOC Web Site

² Australian Government (2002) *ATSIC Review – a review of Indigenous participation in the development of Commonwealth Policies and Programs* from www.atsicreview.gov.au

people at the regional level. This was intended when it was established, but has not happened. ATSIC needs positive leadership that generates greater input from the people it is designed to serve. One of its most significant challenges is to regain the confidence of its constituents and work with them and government agencies and other sectors to ensure that needs and aspirations are met. ATSIC also has to operate in a fashion that engages the goodwill and support of the broader community.⁴

Perhaps the central finding of the ATSIC Review Team was the identified need to improve the connection between ATSIC's regional representative structures and national policy formulation processes:

As it currently operates, the review panel sees ATSIC as a top down body. Few, if any, of its policy positions are initiated from community or regional levels. The regional operations of ATSIC are very much focused on program management. To fulfil its charter, engage its constituency and strengthen its credibility, ATSIC must go back to the people. The representative structure must allow for full expression of local, regional and State/Territory based views through regional councils and their views should be the pivot of the national voice.⁵

Ultimately, the ATSIC Review Team made 67 recommendations which broadly address issues of the relationship between ATSIC and Indigenous peoples, the federal government, the states and territories, and between its elected and administrative arms.⁶

Over 50 submissions were received and a range of discussions were held with targeted stakeholders. Approximately \$1m was spent on the review, which produced a discussion paper and a final report, neither of which recommended the mainstreaming of Indigenous programs.

But this government was not interested in the recommendations of the ATSIC Review, why else would the Prime Minister have made to announcement to abolish ATSIC without taking into account these recommendations.

Summary

Sydney Regional Council totally rejects the notion of an appointed Advisory Body and supports the continuation of a duly elected representative body.

That any representative model that replaces that which currently exists in ATSIC should also have a formal partnership with peak Indigenous Organisations.

That any body that replaces the representative structures of ATSIC should be self regulatory with the power to remove from office.

One of the major reasons that Council rejects the proposal of an Advisory Body is that it is only creating another forum for Government to "forum shop" to seek the advice that will agree with the views that it already hold. An example of this was the

⁴ *ibid*, p5.

⁵ *ibid*, p32.

⁶ *ibid*, pp8-13.

¹ HREOC Web Site

² Australian Government (2002) *ATSIC Review – a review of Indigenous participation in the development of Commonwealth Policies and Programs* from www.atsicreview.gov.au

establishment of OATSIA with the Department of Prime and Cabinet, which then moved to DIMIA, which was an office established to provide Government with advice when ATSIC was the peak advisory body to Government.

The single most important responsibility of Regional Councils is to advocate on behalf of the Aboriginal and Torres Strait Islander community and by establishing an Advisory Body – this important advocacy role will no longer exist.

We need to ensure that Aboriginal and Torres Strait Islander people continue to have the right to self determination and that their rights continue to be addressed and be protected.

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