

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

**Inquiry into the Administration of Indigenous
Affairs**

Submission No: 223

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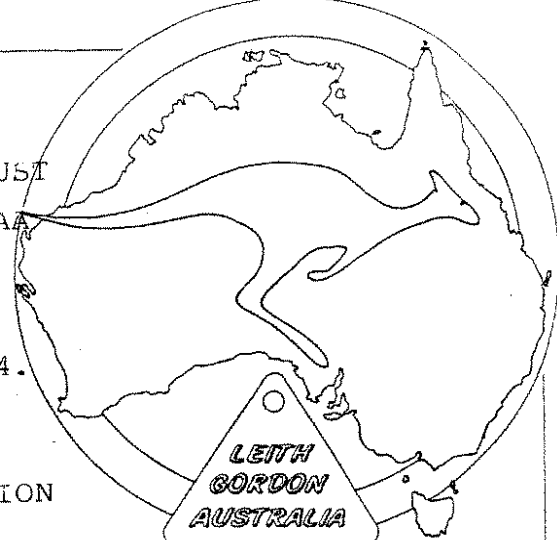
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THE AUSTRALIAN SENATE
SELECT COMMITTEE ON THE ADMINISTRATION
OF INDIGENOUS AFFAIRS
Parliament House
CANBERRA A.C.T. 2600

MY SUBMISSION TO THE COMMITTEE WITHIN ITS TERMS OF REFERENCE.

I have two considerations to present - one general - one specific with suggestion to supply requesting inclusion and action please. From experience in indigenous administration in QLD./NT./and PNG. I agree with the need for change but WARN AGAINST SIMPLISTICS.

The clearly established RECENT separate inclusion within our Australian successful democratic socio-political process and principle and practice has now permanently by foundation - pre-entitled indigenous TOTAL-LAW consideration IN SEPARATION. All human history warns against such dis-entitlement whether intentional or not. Please go back to basics for this. It is now mandatory and unavoidable that SEPARATE but INCLUSIVE consideration is required in both NATIONAL and STATE process. Please do not seek to counter the commitment with divorce. We need to lift its performance with dignity by encouragement.

The original Woodward Royal Commission exposed the special case pre-condition of a new indigenous separate lawful legal entity. It is so TOTAL in visibility and character and basis that there is no choice now other than to accept the necessity that our National Commonwealth Institution AND CONSTITUTION must be ammended to its proven PRE-REQUIREMENT for inclusion. Urgency is appropriate. Not only justice delayed is justice denied but consideration of the administration SEPARATELY is being questioned quite dangerously.

In practice both ATSIC and TSRA have not met requirement because the function of administration of GOVERNMENT separately applied was not servile or accountable enough to the separate constituency it served. This subtlety is important in outcome right throughout our administration processes. It supplies dysfunction and expense because it presumes Government authority instead of Governance servility - and attitudinally becomes self-serving with all good intention. The prioritation of indigenous Budget allocation is their functional-specific duty of care - not the welfare and talk of the separate constituency it is meant to service under its new separate elected representation.

We all suffer similar subtle imbalance until CORRECTED. Please make this a public statement of explanation of ATSIC/TSRA. The accountability rests with the GOVERNMENT not the GOVERNANCE. With respect (sorry) - it also applies to Senate Committees.

Upon this serious explanatory hypothesis please add the following simple common sense : Australia needs to clearer formalise its separate indigenous entitlement and welfare considerations to better insist accountability but also to instal self-respect.

The Native Title process is inappropriately initiated by the individual constituent instead of his separate elected indigenous GOVERNMENT. Due process thereafter has progressed accordingly from outset always presuming individuality in presentation and outcome where the multiple of process eventually achieves the whole national inter-communal NECESSITY. This is unnecessary process. It lacks the foundational legal statute of establishment it has always required. Claim is then too vulnerable to simple prior precedent. For example : NT.searights is as complicated with its co-existence of industrial establishment to deny primary claim. Therefore the Torres Strait should not contradict in part or in total and where do you draw the line. There is an international Treaty to consider as well so of course the Torres Strait seaway should not be the primary entitlement of the Torres Strait Island people - should it? Please ask a Torres Strait Islander. That is where outcome of inappropriate legal process becomes a dangerous international issue - in all respects. Please be advised.

The difficulty is the political leadership required to establish a new legislative process beyond our practical THREE TIER that puts the elected representation accountable and altruistic and not despotic or weak. Without the responsibility of actual professional leadership - the servile administration governs. At what level of Government does indigenous accountability apply? I suggest that the difficult answer is that it applies at ALL THREE existing levels of structural Government PLUS its own. We are having difficulty realising the structural acceptance of a newly enfranchised Democratic separate entity within and it simply unavoidably separately pre-established - pre-emptively presents. Difficult or not political leadership everywhere is required. Radical or conservative in any or all respects - the structural foundation needs planning and consideration and approval. Australia requires a Constitutional FOURTH TIER OF GOVERNMENT.

Prescribed, protected and performed capabilities in law and their responsible accountability to themselves AND TO THE WHOLE applies. Denial or diminishment of established separate entitlement is our South African problem. Exclusive indigenous dominance is now evident in the NT. and the Torres Strait. Fiji again and we do not have a Bill of Rights to overcome it. The imbalance is present in access and industry both ways.
AUSTRALIA REQUIRES A COMMON AGREEMENT TO FACILITATE QUALIFICATION.

A formal common agreement is unavoidably necessary. All separate entity qualification MUST be made to be inclusive within the whole including indigenous and ultimately that is not difficult once it is prescribed and insistent.

1. CONSTITUTIONAL AMMENDMENT for establishment.
2. The necessary TERM AGREEMENT OF INDIGENOUS NATIONAL DISCRETION.
(a Term Agreement - not a binding Treaty)
3. Formal registration of Indigenous Government including the constituency, the elected structure, the separate eldership, the mandated entitlements and the structural inclusion in composition of Eldership into Government, the separate Royal

Seal of both separate and combined authority, and the combined authority investiture of specific indigenous freehold land and building tenure (with or without sale or transfer ability).

The other general consideration I wish to supply is the need now for TOTAL accountability in fiscal performance. I suggest that exclusion of all non-indigenous administrative personnel be formally instituted into the structure and infrastructure of all indigenous servile Governance in Australia. Thereafter - the fiscal performance needs to be annually displayed in opendoor public scrutiny Conferencing for our necessary checks and balances and a Concert of State and National Ministers to preside within.

This whole complex, difficult and historic establishment and its operational facilitation begins with this Senate Select Committee.

This second issue is specific to the Torres Strait Islands.

The TSRA suffers from the same ATSIC outcomes accountability and is regarded sufficient and efficient enough in operation. This indigenous region is Australia's most vulnerable-sensitive international interface. It is intended security FAILSAFE. Very much boats/planes/personnel are constantly surveillant and very much trust is very much invested and professionally applied. How ridiculous to believe that this is workable within the reality of the Treaty and the busy-ness of the unconnected fishing and prawning industry of the whole region and the PNG visitation for culture and industry summarily inspected and watched. Australian BORDER SECURITY CODE ONE and I have seen the shoeprints and the border hoppers in barefeet and have been told where the drugs are available and from whom but, worse still by far, I have suspected major "funny money" once and been proven correct and am currently concerned that it is back again from another direction. It is easier to do their work in that complex security environment and they know it. Guns for drugs into the Highlands proved it. This is CHILDISH political response without blame and it has to be permanently passionately politically cured please- FAILSAFE TREATY.

The region is indigenous dependancy both sides and both are in permanent socio-industrial languishment and nothing can be done to change that.....HELP.

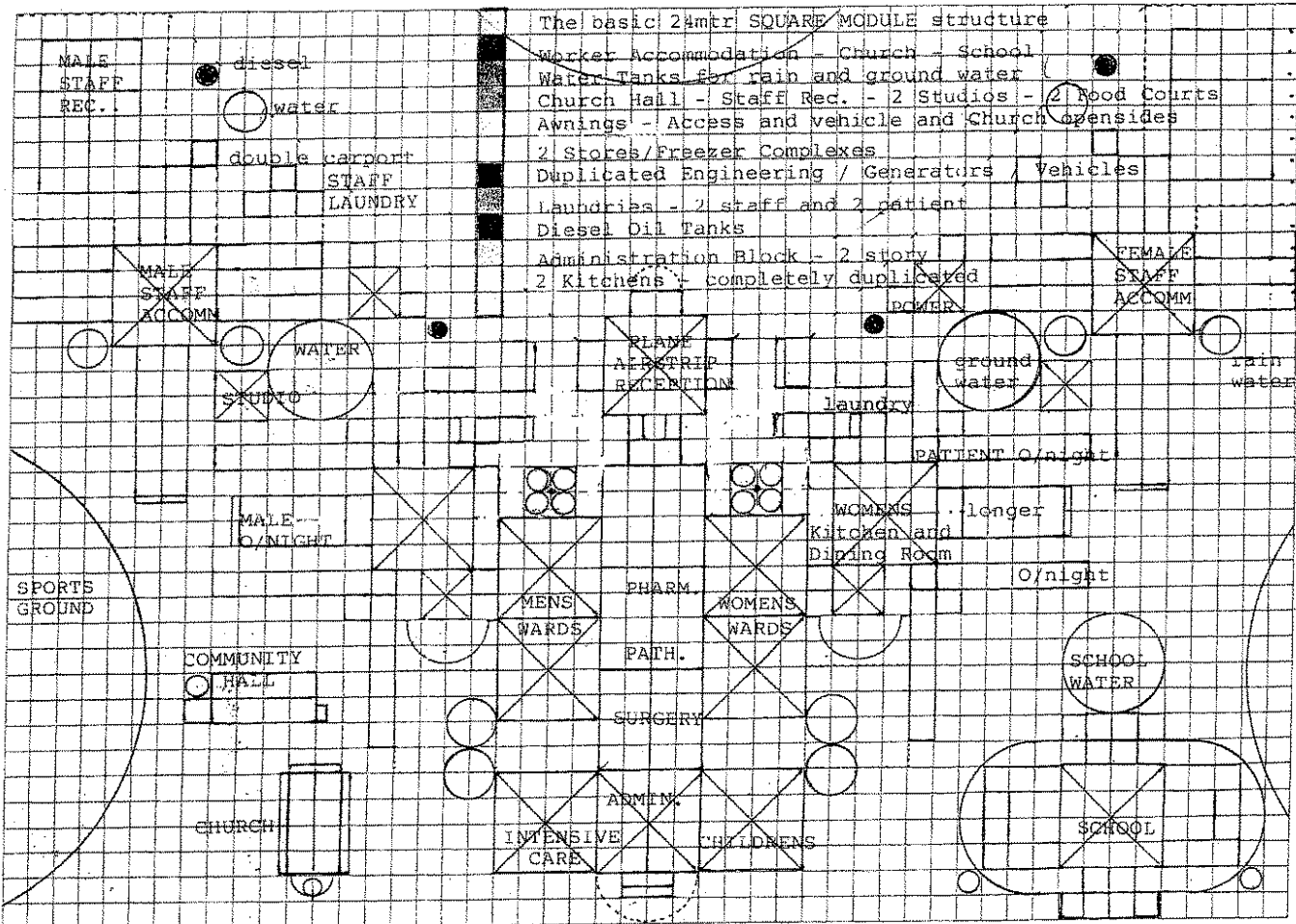
1. Please get Sen. MacDonald to set out the funding for the actual purchase of TWELVE (12) of the best North Queensland REEFBOATS obviously available because of recent reef closure and apply them to the obvious need of the Torres Strait Councils. I have set out the methodology for operational accountability which also minimises reduction of present commercial demand.
2. PROJECT ONE : Tourism Government-funded based on NAGHIR and interactive with all Island Councils.
- PROJECT TWO : Help me create a new HIV-AIDS and MALARIA PNG NATIONAL TREATMENT CENTRE - funded by the U.S. administered by ALL of the Churches and serviced by MAF. from Mareeba. Torres Strait employment.
- PROJECT THREE: Massive opportunity to involve international indigenous development (same place somewhere north of Daru) to Torres Strait Island and PNG co-operative production of clearly researched BIO-DIESEL FROM COCONUT OIL. New science. PNG.
- PROJECT FOUR: Major breakthrough - take as long as you like : An indigenous Development Specific Project.
Bitumen Highway and/or Railway
Cape York and the savannah-side of the Peninsula to TOWNSVILLE via Mt. Surprise and the Greenvale corridor. Do it in ten affordable stages. Do it.

All of the above is simple common sense. ATSIC and TSRA impossible and Senate Select Committee inquiry pertinent and challenging. Such possibility becomes helpless without Government initiative and it is the Senate that is the Upper House of Australia. PLEASE.

and God help us



LEITH GORDON.



THE PNG
NATIONAL
SPECIFIC TREATMENT CENTRE

