



AWD Aboriginal Justice Support

Action for World Development (AWD)
Education and advocacy for justice for over 30 years

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The Secretary,
Senate Select Committee on the Administration
of Indigenous Affairs
Parliament House
Canberra ACT 2600

Dear Sir

Re: Future of ATSIC

I write on behalf of the Aboriginal Justice Support Group of Action for World Development, an ecumenical organization that for thirty years has worked for justice for Indigenous people. We wish to convey to you our concerns about the abolition of ATSIC.

First, however, we congratulate the Labor Party on having the Government's offensive legislation on this matter referred to a Senate Committee. We note the extensive catalogue of evils associated with this legislation listed in the speeches to the House of Representatives by Mr. McMullan and Dr Lawrence and others on June 1 and we hope that the work of the Senate Select Committee will ensure that its intended effects will not be inflicted on Aboriginal people.

In the first place we encourage you to do everything to ensure that our Indigenous people retain, and even strengthen, the elected representation that they have enjoyed, whatever its failings, under ATSIC. As Ms Linda Burney of the NSW Parliament pointed out to us, the Government's proposed Legislation would leave Australia as the only First World nation in which the Indigenous people had no elected representation. The legislation seems, indeed, a calculated insult to Aboriginal people, and another example of this Government's systematic denial of their right to their own racial and cultural identity.

In the second place we hope that you will decide that the mainstreaming of services that the Government wishes to effect should not under any circumstances go ahead. There is no way that the level of Indigenous need, say in Health or Education, can be met simply by mainstreaming. Besides, in this area, the Government's policy of Practical Reconciliation needs to be revealed as the sham it is. As Olga Havnen has pointed out, "The beat up on ATSIC continues to be a convenient scapegoat and a sideshow! Essentially it has never had responsibility for the key areas of health,

education, housing etc. and it is high time the Commonwealth government agencies/departments and the State and Territory Governments were held to account." They must be held to account, for example, for the fact that in Australia, again alone among First World Nations, the gap between the life expectancy of Aborigines and other Australians is actually increasing!

We note in relation to this that the 2001 inquiry by the Commonwealth Grants Commission found that ATSIC delivered the services it was responsible for efficiently.

We are pleased that the first hearings of the committee away from Canberra have been conducted for and with Aboriginal people. It had not appeared to us that the Labor Party's decision to abolish ATSIC was made after anywhere near enough research and consultation with Aboriginal people, and the Government is patently uninterested in any such consultation let alone research.

In the first place we do not think it has been established that Aboriginal people want to see ATSIC abolished. Many of them do have complaints about ATSIC (and some of those complaints - nepotism, for example, or the undue influence enjoyed by a few and the fact that not all Aboriginal people benefit equally from its operations - can be levelled at regional structures as well as at the central body), but key Aboriginal thinkers, Larissa Behrendt, for example, are of the opinion that amendments to the present legislation could provide the reforms called for. For instance, there needs to be a mechanism under the Act by which elected ATSIC officials can be dismissed; perhaps, also, the Act should specify compulsory Aboriginal voting for positions on ATSIC.

Hal Wootten claimed on Lateline on July 1 2004 that Aboriginal nations are the reality, not a single Aboriginal nation. It follows from his argument that ATSIC is not a viable way forward. Alongside this is ANTaR's claim that Indigenous Australians have endorsed the need for a National Indigenous Representative Body which reflects their values and aspirations, and which is open, transparent and accountable to Aboriginal and Torres Strait Islander people. These positions are not necessarily mutually exclusive, as it is possible to facilitate both regional control by Aboriginal people of what is important to them and the opportunity for national representation on issues which require a national approach. We would like the issue decided, however, after much more consultation with Aboriginal people, and we think that there is no need to hurry into a change that will take a lot of time to get right.

Linda Burney identifies another area that we would like to draw to the attention of the Select Committee. She is very concerned about the way administrative decisions are disenfranchising Aboriginal people even before legislation to do so comes into effect. For example, CDEP programmes are already being moved by regulation from ATSIC to the mainstream, and letters of retrenchment have already been received by some employees of ATSIC. The disbanding of ATSI and the transfer of its \$1 billion worth of Indigenous programs to mainstream departments was simply announced on 1 July 2004.

We would also like to stress how important it is to preserve Aboriginal Regional Structures. The enormous benefit to Aboriginal communities that Linda Burney claims for these bodies – pathways for the young, advocacy at the local level, Indigenous employment etc – must not be thrown away. If these depend on the

continuation of ATSIC then it should be retained until another Statutory Body that will protect them can be formed.

Other issues related to the abolition of ATSIC made by Larissa Behrendt recently must also be addressed. Firstly, the assets of ATSIC must be protected and not be absorbed into Consolidated Revenue. Secondly, any replacement for ATSIC must have the money to deliver programmes and must have the teeth to see that Governments are made accountable for service delivery. Thirdly, and most importantly, we need Constitutional change to ensure Indigenous rights: the rights that our Indigenous people claim through UN treaties should be embodied in our own constitution.

Yours faithfully

Joseph Castley
For and on behalf of the AWD Aboriginal Justice Support Group